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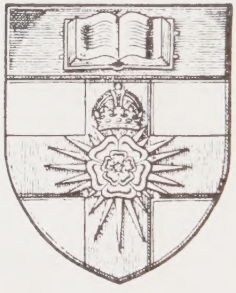

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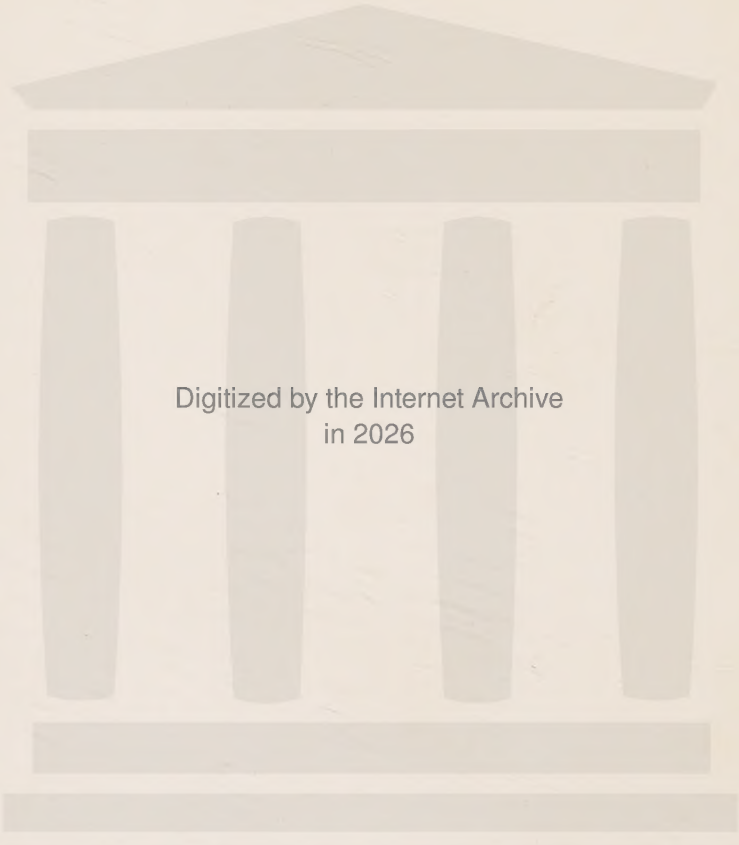

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THE

LAW REPORTS.

The Public General Statutes,

PASSED IN THE THIRD AND FOURTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH.

1913.

VOL. LI.

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2. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. (*Army* (*Annual*).)

3. An Act to give statutory effect for a limited period to resolutions varying or renewing taxation, and to make provision with respect to payments and deductions made on account of any temporary tax between the dates of the expiration and renewal of the tax. (*Provisional Collection of Taxes.*)

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5. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen. (*Consolidated Fund* (*No.* 2).)

6. An Act to extend the Hours of Polling at Parliamentary Elections. (*Extension of Polling Hours.*)

7. An Act to prohibit and restrict Children and Young Persons being taken out of the United Kingdom with a view to singing, playing, performing, or being exhibited for profit. (*Children (Employment Abroad).*)

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36. An Act to provide for the foundation of Bishoprics of Sheffield, Chelmsford, and of another diocese to be formed of such parts of the Dioceses of Ely and Norwich as are situate within the County of Suffolk and for other matters incidental thereto. (*Bishoprics of Sheffield, Chelmsford, and for the County of Suffolk.*)

37. An Act to amend Parts I. and III. of the National Insurance Act, 1911. (*National Insurance.*)

38. An Act to make better and further provision for the care of Mentally Defective Persons and to amend the Law relating to Lunacy in Scotland. (*Mental Deficiency and Lunacy (Scotland).*)

THE

PUBLIC GENERAL STATUTES.

3 & 4 GEORGE 5.

CHAPTER 1.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen.

[28th March 1913.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 41,027,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1914.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen the sum of forty-one million twenty-seven thousand pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole forty-one million twenty-seven thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March one thousand nine hundred and fourteen, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1913.

CHAPTER 2.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[25th April 1913.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-five thousand six hundred including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice

of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act will expire in the year one thousand nine hundred and thirteen on the following days:— 44 & 45 Vict. c. 58.

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Army (Annual) Act, 1913. Short title.

2.—(1) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say):— Army Act to be in force for specified times.

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and thirteen to the thirtieth day of April one thousand nine hundred and fourteen, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and thirteen to the thirty-first day of July one thousand nine hundred and fourteen, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the First Schedule to this Act. Prices in respect of billeting.

Amendments of the Army Act.

4. The officers who may be authorised to issue a billeting requisition under section one hundred and eight A of the Army Act shall include general or field officers commanding any part of His Majesty's forces in any military district or place in the United Kingdom, and accordingly in subsection (1) of that section, for the words "any general or field officer commanding His Majesty's regular forces," there shall be substituted the words "any general or field officer commanding any part of His Majesty's forces." Amendment of section 108A of the Army Act.

Extension of section 115 of Army Act to aircraft.

5. The power of requisitioning carriages, horses, and vessels in case of emergency conferred by the Army Act shall extend so as to include a power of requisitioning aircraft of all descriptions, and accordingly at the end of subsection (2) of section one hundred and fifteen of the Army Act there shall be inserted the words "and also of aircraft of every description"; and the consequential amendments specified in the second column of the Second Schedule to this Act shall be made in the enactments mentioned in the first column of that schedule.

Amendment of section 145 of the Army Act.

6. In section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) after the words "order a portion" there shall be inserted the words "not exceeding in respect of a wife and "children one shilling and sixpence, and in respect of a bastard "child one shilling, of the daily pay of a warrant officer not "holding an honorary commission."

Amendment of section 164 of the Army Act.

7. In section one hundred and sixty-four of the Army Act (which relates to the evidence of civil convictions and acquittals) after the word "judgment" there shall be inserted the words "or order"; for the words "if he was convicted, and the acquittal if he was acquitted" there shall be substituted the words "or if he was acquitted the acquittal"; and after the word "sentence" there shall be inserted the words "or of the order of the court."

SCHEDULES.

Section 3.

FIRST SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Fivepence each.
Dinner as so specified - - - - - -	One shilling and one penny each.
Supper as so specified - - - - - -	Threepence each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Stable room without forage - - - -	Sixpence per day.
Lodging and attendance for officer - - -	Two shillings per night.

Note.—An officer shall pay for his food.

SECOND SCHEDULE.

Section 5.

AMENDMENTS CONSEQUENTIAL ON AMENDMENT TO SECTION 115.

Provision of Army Act to be modified.	Modification to be made.
Section 31 (1), (4), (5), (7), (8).	For the words "or vessels" wherever they occur there shall be substituted the words "vessels or aircraft." For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft."
Section 115 (3), (4), (6), (7), (8), (9).	For the words "and vessels" wherever they occur there shall be substituted the words "vessels and aircraft." For the word "vessels" where it secondly and thirdly occurs in subsection (3) there shall be substituted the words "vessels and aircraft." For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft." For the words "or vessels" there shall be substituted the words "vessels or aircraft."
Sections 116, 117, 119, and 121.	For the words "or vessels" wherever they occur there shall be substituted the words "vessels or aircraft." For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft."

CHAPTER 3.

An Act to give statutory effect for a limited period to resolutions varying or renewing taxation, and to make provision with respect to payments and deductions made on account of any temporary tax between the dates of the expiration and renewal of the tax.

[25th April 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Resolutions varying or renewing tax to have statutory effect for a limited period.

1.—(1) Where a resolution is passed by the Committee of Ways and Means of the House of Commons (so long as it is a Committee of the whole House) providing for the variation of any existing tax, or for the renewal for a further period of any tax in force or imposed during the previous financial year, whether at the same or a different rate, and whether with or without modifications, and the resolution contains a declaration that it is expedient in the public interest that the resolution should have statutory effect under the provisions of this Act, the resolution

shall, for the period limited by this section, and subject to the provisions of this Act, have statutory effect as if contained in an Act of Parliament, and, where the resolution provides for the renewal of a tax, all enactments which were in force with reference to that tax as last imposed by Act of Parliament shall, during the said period, and subject to the provisions of this Act, have full force and effect with respect to the tax as renewed by the resolution :

Provided that—

(*a*) The resolution shall cease to have statutory effect if it is not agreed to, with or without modification, by the House within the next ten days on which the House sits after the resolution is passed by the Committee, and also if a Bill varying or renewing the tax is not read a second time by the House within the next twenty days on which the House sits after the resolution is agreed to ; and

(*b*) The resolution shall cease to have statutory effect if Parliament is dissolved or prorogued, or an Act comes into operation varying or renewing the tax, or the resolution is rejected by the House, or the provisions giving effect to the resolution are rejected during the passage of the Bill containing those provisions through the House, and the resolution, if modified by the House, shall have effect under this Act as so modified ; and

(*c*) Where the resolution so ceases to have statutory effect, or the said period terminates, before an Act comes into operation varying or renewing the tax, any money paid in pursuance of the resolution shall be repaid or made good, and any deduction made in pursuance of the resolution shall be deemed to be an unauthorised deduction ; and

(*d*) Where the tax as varied or renewed by the resolution is modified, either by the House or by the Act varying or renewing the tax, any money which has been paid in pursuance of the resolution, which would not have been payable under the new conditions affecting the tax shall be repaid or made good, and any deduction made in pursuance of the resolution shall, so far as it would not have been authorised under the new conditions affecting the tax, be deemed to be an unauthorised deduction ; and

(*e*) When during any session a resolution has had statutory effect under this Act, statutory effect shall not be again given under this Act in the same session to the same resolution or to a resolution having the same effect.

(2) The period for which a resolution shall have statutory force under this section shall be a period expiring at the end of four months after the date on which the resolution is expressed to take effect, or, if no such date is expressed, after the date on which the resolution is passed by the Committee.

(3) In this Act any expression referring to the renewal of a tax shall be deemed to refer also to the reimposition of a tax.

Payments and deductions made on account of temporary tax before renewal of tax.

2.—(1) Any payment or deduction made on account of a temporary tax within one month after the date of the expiration of the tax shall, if the payment or deduction would have been a legal payment or deduction if the tax had not expired, be deemed to be a legal payment or deduction, subject to the condition that if a resolution is not passed by the House of Commons or by the Committee of Ways and Means of the House of Commons (if that Committee is a Committee of the whole House) within that month for the renewal of the tax, or if such a resolution is passed within that month but ceases to have statutory effect under this Act, any money so paid or deducted shall be repaid or made good, and that if the tax is ultimately renewed at a different rate, or with modifications, any amount paid or deducted which could not properly have been paid or deducted under the new conditions affecting the tax shall be repaid or made good.

For the purposes of this provision, the expression "temporary tax" means a tax which has been imposed or renewed for a limited period not exceeding eighteen months, and was in force or imposed during the previous financial year.

10 Edw. 7. & 1 Geo. 5. c. 8.

(2) Section ninety-five of the Finance (1909–10) Act, 1910, shall have effect with respect to any duties imposed by the Finance Act of this or any previous year, with the substitution of a reference to that Finance Act for any reference in that section to "this Act," but this provision shall not affect any past proceeding in any court of law.

Application of Act.

3. This Act shall apply only to duties of customs and excise and to income tax.

Short title.

4. This Act may be cited as the Provisional Collection of Taxes Act, 1913.

CHAPTER 4.

An Act to provide for the Temporary Discharge of Prisoners whose further detention in prison is undesirable on account of the condition of their Health.

[25th April 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of Secretary of State to discharge prisoners temporarily on account of their health.

1.—(1) If the Secretary of State is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Secretary of State may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.

(2) Any prisoner so discharged shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Secretary of State, and, if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.

(3) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.

(4) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.

Savings.

2.—(1) Where the prisoner is undergoing a sentence of penal servitude, the powers under this Act shall be in addition to and not in substitution for the power of granting licences under the Penal Servitude Acts, 1853 to 1891.

(2) Nothing in this Act shall affect the duties of the medical officer of a prison in respect of a prisoner whom the Secretary of State does not think fit to discharge under this Act.

Application to Scotland and Ireland.

3. In the application of this Act to Scotland and Ireland, references to the Secretary of State shall be construed as references to the Secretary for Scotland and the Lord Lieutenant respectively.

Short title.

4. This Act may be cited as the Prisoners (Temporary Discharge for Ill-health) Act, 1913.

CHAPTER 5.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen.

[4th July 1913.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 24,243,050*l.* out of the Consolidated Fund for the service of the year ending 31st March 1914.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen the sum of twenty-four million two hundred and forty-three thousand and fifty pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole twenty-four million two hundred and forty-three thousand and fifty pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March one thousand nine hundred and fourteen, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 2) Act, 1913.

CHAPTER 6.

An Act to extend the Hours of Polling at Parliamentary Elections. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Extension of polling hours.
48 & 49 Vict. c. 10.

1.—(1) Where any candidate at a parliamentary election or a candidate's agent on his behalf gives notice in writing to the returning officer during the nomination time or within one hour afterwards that he wishes the poll at that election—

(*a*) to commence at seven o'clock in the forenoon, or
(*b*) to be kept open till nine o'clock in the afternoon, or
(*c*) to commence at seven o'clock in the forenoon and be kept open till nine o'clock in the afternoon,

the Elections (Hours of Poll) Act, 1885, shall, in relation to that election, be construed as if the hour specified in any such notice, whether as respects the commencement or close of the poll, were substituted for eight o'clock in the forenoon or eight o'clock in the afternoon, as the case may be, being the hours specified in that Act for the commencement and close of the poll respectively.

(2) For the purpose of giving public notice of an extension of the hours of polling under this Act, paragraph 9 of the First Schedule to the Ballot Act, 1872, shall, as respects any election to which this Act applies, be construed as if references to the day on which the poll will be or is to be taken included references to the hours at which the poll commences and up to which it will be kept open.

35 & 36 Vict. c. 33.

(3) A notice given by a candidate under this section shall not be of any effect for the purposes of this Act if the candidate is withdrawn or deemed to be withdrawn under the provisions of the Ballot Act, 1872.

(4) In this section—

The expression "agent" means an election agent within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883 :

46 & 47 Vict. c. 51.

The expression "nomination time" means the time appointed for the election within the meaning of the Ballot Act, 1872.

Short title.

2. This Act may be cited as the Extension of Polling Hours Act, 1913.

CHAPTER 7.

An Act to prohibit and restrict Children and Young Persons being taken out of the United Kingdom with a view to singing, playing, performing, or being exhibited, for profit. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restrictions on children and young persons going abroad for the purpose of performing for profit.

1.—(1) If any person causes or procures any child or young person, or, having the custody, charge, or care of any child or young person, allows such child or young person, to go out of the United Kingdom for the purpose of singing, playing, performing, or being exhibited, for profit, that person shall, unless, in the case of a young person, such a licence as is herein-after mentioned has been granted, be guilty of an offence against this Act.

(2) A constable or any person authorised by a justice may take to a place of safety any child or young person in respect of whom there is reason to believe that an offence under this section has been or is about to be committed, and the provisions of section twenty of the Children Act, 1908, shall apply as if such an offence were an offence mentioned in the First Schedule to that Act. 8 Edw. 7. c. 67.

(3) This section shall not apply in any case where it is proved that the child or young person was only temporarily resident in the United Kingdom.

Grant of licences.

2.—(1) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any young person to go out of the United Kingdom for the purpose of singing, playing, performing, or being exhibited for profit, but no such licence shall be granted unless the police magistrate is satisfied—

(*a*) that the application for the licence is made by or with the consent of the parent or guardian of the young person;

(*b*) that the young person is going out of the United Kingdom in order to fulfil a particular engagement;

(*c*) that the young person is fit for the purpose;

(*d*) that proper provision has been made to secure the health, kind treatment, and adequate supervision of the young person whilst abroad and his return to the United Kingdom at the expiration or revocation of the licence;

(*e*) that a copy of the contract of employment or other document, showing the terms and conditions of employment, drawn up in a language understood by the young person, has been furnished to the young person.

(2) A licence under this section shall not be granted for more than three months, but may be renewed by a police magistrate from time to time for a like period, but no such renewal shall be granted unless the police magistrate is satisfied by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with.

(3) Where a person applies for a licence or the renewal of a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of the police for the district in which the young person resides or resided, and that officer may make a report in writing on the case to the police magistrate, or may appear or instruct some person to appear before the police magistrate hearing the application and show cause why the licence should not be granted or renewed, and the police magistrate shall not grant or renew the licence unless he is satisfied that notice has been properly so given. The notice given by the applicant shall be accompanied by a copy of the contract of employment or other document showing the terms and conditions of employment, which copy shall be sent by the chief officer of police to the police magistrate.

(4) The police magistrate to whom application is made for the grant or renewal of a licence under this section shall, unless he is satisfied that under the circumstances it is unnecessary, require the applicant to give such security, either by entering into a recognisance with or without sureties or otherwise, as he may think fit for the observance of the restrictions and conditions contained in the licence, and the recognisance may be enforced in like manner as a recognisance for the doing of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.

(5) In any proceeding for enforcing a recognisance under this section, a report of any British consular officer, and any deposition made on oath before a British consular officer and authenticated by the signature of that officer respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under this Act, shall, upon proof that the consular officer or deponent cannot be found in the United Kingdom, be admissible in evidence; and it shall not be necessary to prove the signature or official character of the person appearing to have signed any such report or deposition.

(6) Where a licence is granted under this section, the police magistrate shall send to the Secretary of State for transmission

to the proper consular officer such particulars as the Secretary of State may by regulation prescribe, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

(7) A licence granted under this section may be revoked by the police magistrate at any time if he is satisfied that any of the conditions on which the licence was granted are not being complied with.

Penalties and proceedings.

3.—(1) A person guilty of an offence against this Act shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively or in default of payment of such fine, or in addition thereto, to imprisonment with or without hard labour, for any term not exceeding three months:

Provided that, where the offender, by means of any false pretence or false representation, procures the child or young person to go out of the United Kingdom for any such purpose as aforesaid, he shall be liable on conviction on indictment to imprisonment, with or without hard labour, for any term not exceeding two years.

(2) Where proceedings are taken against any person under this Act in respect of any child or young person, and it is proved that the defendant caused or procured or allowed the child or young person to go out of the United Kingdom, and that the child or young person has, out of the United Kingdom, been singing, playing, performing, or been exhibited, for profit, the defendant shall be presumed to have caused or procured or allowed such child or young person to go out of the United Kingdom for that purpose unless the contrary is proved:

Provided that, where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of the child or young person to the United Kingdom, or to enter into a recognizance to make such provision as the court may direct to secure the health, kind treatment, and adequate supervision of the child or young person whilst abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence or for enforcing a recognizance under this Act may be instituted at any time within three months from the first discovery by the person taking the proceedings of the commission of the offence or (as the case may be) the non-observance of the restrictions and conditions contained in the licence.

(4) The wife or husband of a person charged with an offence under this Act may be called as a witness either for the prosecution or defence and without the consent of the person charged.

Interpretation.

4. For the purposes of this Act, the expression "police magistrate" means the chief magistrate of the metropolitan

police courts or one of the other magistrates of the metropolitan police court in Bow Street, and the expression "chief officer of police"—

(*a*) with respect to the city of London, means the Commissioner of the City Police;

(*b*) elsewhere in England has the same meaning as in the Police Act, 1890;

53 & 54 Vict. c. 45.

(*c*) in Scotland has the same meaning as in the Police (Scotland) Act, 1890;

53 & 54 Vict. c. 67.

(*d*) in the police district of Dublin metropolis, means either of the Commissioners of Police for the said district;

(*e*) elsewhere in Ireland, means a district inspector of the Royal Irish Constabulary.

Short title, construction, and commencement. 10 Edw. 7. & 1 Geo. 5. c. 25.

5.—(1) This Act may be cited as the Children (Employment Abroad) Act, 1913, and shall be construed as one with the Children Act, 1908; and that Act, the Children Act (1908) Amendment Act, 1910, and this Act may be cited together as the Children Acts, 1908 to 1913.

(2) This Act shall come into operation on the expiration of one month from the passing thereof.

CHAPTER 8.

An Act to authorise the execution of instruments on behalf of the Commissioners of Woods.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Execution of instruments on behalf of Commissioners of Woods.

1.—(1) Any deed or other instrument requiring to be executed by the Commissioners of Woods, or any two or one of them, or to which they or he are or is a party, may be executed by any permanent secretary of His Majesty's Office of Woods, Forests, and Land Revenues on behalf of the Commissioners of Woods, and if so executed shall be deemed to have been executed by the Commissioners of Woods, and shall have effect accordingly.

(2) Any deed or other instrument purporting to be so executed shall, until the contrary is proved, be deemed to have been duly executed by the Commissioners of Woods without proof of the official character or handwriting of the person appearing to have executed it.

Short title.

2. This Act may be cited as the Crown Lands Act, 1913; and the Crown Lands Acts, 1829 to 1906, and this Act may be cited together as the Crown Lands Acts, 1829 to 1913.

CHAPTER 9.

An Act to provide for the Branding of Barrels filled with Cured Herrings in England and Wales.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to brand barrels filled with cured herrings.

1.—(1) In any place in which this section is in force barrels filled with cured white herrings may be presented to an officer appointed by the Board of Agriculture and Fisheries for the purpose of being branded or otherwise marked with a mark denoting the description of the herrings contained therein, and any barrel so presented shall, on payment of the prescribed fee and on compliance with the prescribed conditions, be marked accordingly, if, in the opinion of the officer, after inspection and examination, the construction, capacity, and condition of the barrel and the quality, curing, selection, and packing of the herrings are such as to satisfy the prescribed requirements.

(2) The Board of Agriculture and Fisheries may, by order published in such manner as the Board direct, declare this section to be in force in any place in England or Wales if it is shown to their satisfaction that there is a general desire on the part of the curers of herrings carrying on business in that place that such an order should be made.

The Board shall, at least two months before making any such order, give notice of their intention to make the order in such manner as the Board think calculated to give publicity thereto in the locality, and shall consider any objections or representations made to them in the interval.

(3) No barrel or half-barrel shall be branded unless it have a capacity, in the case of a barrel, of twenty-six and two-thirds imperial gallons, or, in the case of a half-barrel, of thirteen and a third imperial gallons.

(4) For the purposes of this Act, the expression "barrel" includes half-barrel when the context permits.

Forgery of brands.

2.—(1) If any person forges or counterfeits any mark used for marking barrels under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If any person knowingly uses, sells, utters, disposes of, or exposes for sale any barrel (whether filled with herrings or not) with such forged or counterfeit mark thereon, he shall be liable on summary conviction to a fine not exceeding ten pounds. All barrels with any such forged or counterfeit mark thereon, and the contents thereof, shall be liable to be forfeited.

(3) For the purposes of this section, any person who removes a mark from any barrel and inserts the same into another

barrel shall be deemed to forge or counterfeit a mark within the meaning of this section.

Penalty on use of old barrels bearing brand.

3. If any person fraudulently uses any old barrel bearing a mark affixed under this Act for the purpose of packing herrings or other fish therein, he shall be liable on summary conviction to a fine not exceeding ten pounds, and the barrel and the contents thereof shall be liable to be forfeited.

Provision for Northumberland. 54 & 55 Vict. c. 28.

4. If section one of this Act is put in force in any part of the area to which the Branding of Herrings (Northumberland) Act, 1891, applies, the powers of the Fishery Board for Scotland and of their officers under that Act shall cease to be exerciseable in that part so far as concerns the branding or otherwise dealing with barrels of herrings.

Regulations.

5.—(1) For the purposes of this Act, the Board of Agriculture and Fisheries may make regulations with respect to any matter which under this Act may be prescribed, subject, as respects fees, to the consent of the Treasury, and for prescribing—

(*a*) the manner in which barrels are to be presented for the purpose of being marked;

(*b*) the manner in which barrels are to be marked and the nature of the marks;

(*c*) the manner in which the inspection and examination of barrels and their contents are to be conducted;

and generally for carrying this Act into effect.

(2) If any person, in any declaration required under such regulations, makes any statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Legal proceedings.

6.—(1) All barrels and the contents thereof forfeited under this Act shall be sold or otherwise disposed of as a court of summary jurisdiction may direct.

(2) Where a person is convicted under any section of this Act and the court by which he is convicted is of opinion that the offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any fine, to imprisonment with or without hard labour for a term not exceeding two months.

(3) In England, Wales, or Ireland any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal to quarter sessions in accordance with the Summary Jurisdiction Acts.

Short title.

7. This Act may be cited as the Herring Fishery (Branding) Act, 1913.

CHAPTER 10.

An Act to authorise the Treasury to guarantee the Payment of Interest on a Loan to be raised by the Government of the Soudan. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Treasury to guarantee loans.

1.—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest at a rate not exceeding three and one half per cent. per annum on any loan raised by the Government of the Soudan for the purposes set out in the schedule to this Act, not exceeding in the aggregate an amount sufficient to raise three million pounds.

(2) A guarantee shall not be given in pursuance of this Act until the Government of the Soudan have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising, appropriating, and duly applying the loan for the purposes and in the manner set out in the schedule to this Act, subject to any arrangements which may be made for the application of savings on one head of expenditure to another head of expenditure:

(*b*) for the establishment and regulation of one or more sinking funds for the purpose of the repayment of the principal of the loan or any instalment thereof within a period not exceeding thirty years from the date on which the loan or instalment is actually raised:

(*c*) for charging on the general revenues and assets of the Soudan, or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and any sinking fund payments for the repayment of the principal of the loan:

(*d*) for charging on the general revenues and assets of the Soudan immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee given under this Act with interest thereon at the rate of four per cent. per annum:

(*e*) for raising or securing the raising of sufficient money to meet the above charges.

(3) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued

out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(4) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after any guarantee is so given or any sum is so issued.

Short title.

2. This Act may be cited as the Government of the Soudan Loan Act, 1913.

Section 1.

SCHEDULE.

	£
I. Irrigation—	
(i) Works for the purpose of irrigating the Gezireh Plain - - - - - -	1,000,000
(ii) Works for the purpose of irrigating the Tokar cotton-producing area - - - -	100,000
(iii) Works for the purpose of irrigating the cotton-producing area near Kassala - - -	200,000
II. Railways—	
Extension of the Soudan Railway System - -	1,600,000
III. Contingencies - - - - - -	100,000
	3,000,000

CHAPTER 11.

An Act to enable Newspapers published in British Possessions or Protectorates to be registered and be treated as Registered Newspapers under the Post Office Act, 1908. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of provisions as to registration of newspapers to newspapers published in British possessions or protectorates. 8 Edw. 7. c. 48.

1. The provisions of the Post Office Act, 1908, relating to the registration of newspapers and registered newspapers shall apply to publications printed and published in a British possession or protectorate as they apply to publications printed and published in the British Islands, and accordingly paragraph (*a*) of subsection (1) of section twenty of the Post Office Act, 1908 (which relates to the publications which may be registered as a newspaper), shall be read as if the words "or in some British

possession or protectorate" were inserted after the words "in the British Islands";

Provided that the Postmaster General may refuse to register as a newspaper a publication printed and published in a British possession or protectorate, unless arrangements have been made to his satisfaction for maintaining a responsible representative of the publication in the United Kingdom.

For the purposes of this provision, the expression "British Protectorate" shall be deemed to include the Malay States and Cyprus.

2. This Act may be cited as the Post Office Act, 1913, and shall be read as one with the Post Office Act, 1908. Short title.

CHAPTER 12.

An Act to enable the provision of Medical Treatment for Children attending Schools in Scotland.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Education (Scotland) Act, 1913, and this Act and the Education (Scotland) Acts, 1872 to 1908, shall, so far as consistent with the tenor thereof, be construed as one Act, and may be cited as the Education (Scotland) Acts, 1872 to 1913. Short title and construction.

2. This Act shall extend to Scotland only. Extent of Act.

3. When, as the result of medical inspection or otherwise, it is brought to the notice of a school board that a child attending a school within their district is in need of medical (including surgical and dental) treatment, the board shall have, and shall be deemed since the commencement of the Education (Scotland) Act, 1908, to have had, the same powers and duties with reference to the provision of medical (including surgical and dental) treatment for the child as they have with reference to the provision of sufficient and proper food or clothing or necessary personal attention under and in virtue of section six of the said Act. In carrying out the provisions of this Act or of section six of the Education (Scotland) Act, 1908, a school board shall have power to act in combination with one or more school boards or with the secondary education committee for the district. Duties of school board in regard to medical treatment of children. 8 Edw. 7. c. 63.

CHAPTER 13.

An Act to divide the District of the School Board of Glasgow for Electoral Purposes. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and citation of Acts.

1. This Act may be cited as the Education (Scotland) (Glasgow Electoral Divisions) Act, 1913, and shall be construed as one with the Education (Scotland) Acts, 1872 to 1908. The last cited Acts may, collectively with this Act, be cited as the Education (Scotland) Acts, 1872 to 1913.

Division of Glasgow School Board district for electoral purposes.

2.—(1) The district of the School Board of Glasgow (hereinafter referred to as "the Board") shall, for the purpose of every election of the Board taking place after the passing of this Act, be divided into three electoral divisions, viz., a north-east division as defined in the First Schedule to this Act, for which division eight members shall be elected; a north-west division as defined in the Second Schedule to this Act, for which division nine members shall be elected; and a south division as defined in the Third Schedule to this Act, for which division eight members shall be elected.

(2) The election in each division shall be carried out as if the members to be elected for that division were themselves alone to constitute the Board.

(3) Every elector shall be entitled to a number of votes equal to the number of members to be elected for the division in which he votes, and may give all such votes to one candidate for that division, or may distribute them among the candidates for that division, as he sees fit.

(4) An elector shall not at any election vote in more than one division.

(5) The election shall take place on the same day in each of the three divisions.

(6) The same person shall act as returning officer for each of the three divisions, and the total expenses incident to the election for the three divisions shall be deemed to be the expenses incident to the election of the Board.

(7) The members returned for the three divisions shall together constitute the Board as if those members had been returned in and for an undivided district.

Saving of Education Acts as to casual vacancies.

3. Nothing in this Act contained shall affect the provisions of the Education (Scotland) Acts, 1872 to 1908, with regard to the filling of vacancies otherwise than by election of a School Board.

SCHEDULES.

THE FIRST SCHEDULE.

Section 1.

The north-east division of the district of the Board shall consist of so much of that district as is comprised in the following parish council wards or portions thereof :—

Third ward of Glasgow Parish ;
Fourth ward of Glasgow Parish ;
Fifth ward of Glasgow Parish ;
The portion of the second ward of Glasgow Parish comprised in Whitevale Municipal Ward. Millerston and Springburn Parish Ward of Glasgow Parish.

THE SECOND SCHEDULE.

Section 1.

The north-west division of the district of the Board shall consist of so much of that district as is comprised in the following parish council wards or portions thereof, viz. :—

Sixth ward of Glasgow Parish ;
Seventh ward of Glasgow Parish ;
Eighth ward of Glasgow Parish ;
Ninth ward of Glasgow Parish ;
Possil Parish Ward of Glasgow Parish ;
The portion of the sixth ward of Govan Parish comprised in Park Municipal Ward. The portion of the sixth ward of Govan Parish comprised in Anderston Municipal Ward.

THE THIRD SCHEDULE.

Section 1.

The south division of the district of the Board shall consist of so much of that district as is comprised in the following parish council wards or portions thereof, viz. :—

First ward of Glasgow Parish ;
The portion of the second ward of Glasgow Parish comprised in Mile-end Municipal Ward ;
First ward of Govan Parish ;
Second ward of Govan Parish ;
Third ward of Govan Parish ; and
Fourth ward of Govan Parish.

CHAPTER 14.

An Act to amend section nine of the Finance Act, 1908.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appropriation of surplus under 8 Edw. 7. c. 16. s. 9.

1.—(1) The sum of six hundred thousand pounds applicable under section nine of the Finance Act, 1908, for or in connection with public offices on land at Westminster may, so far as not required for that purpose, be applied to the extent of one hundred and forty-five thousand pounds in defraying any expenses incurred by the Commissioners of Works in erecting buildings and executing other works for or in connection with the museum, office, and college mentioned in the Schedule to this Act, and the said section nine shall have effect accordingly.

61 & 62 Vict. c. 5.

(2) Section two of the Public Buildings Expenses Act, 1898, shall have effect as if it were herein re-enacted and in terms made applicable to this Act.

Short title.

2. This Act may be cited as the Public Buildings Expenses Act, 1913.

Section 1.

SCHEDULE.

Head.	Estimated Cost.
	£
Home Office Industrial Museum - - - -	25,000
Admiralty, additional accommodation - - -	55,000
College of Art, South Kensington - - - -	65,000
	145,000

CHAPTER 15.

An Act to continue various Expiring Laws.

[15th August 1913.]

WHEREAS the Acts mentioned in the schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects the Acts mentioned in Part I. of that schedule, on the thirty-first day of December nineteen hundred and thirteen, and, as respects the Acts mentioned in Part II. of that schedule, on the thirty-first day of March nineteen hundred and fourteen:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of Acts in schedule.

1.—(1) The Acts mentioned in Part I. of the schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December nineteen hundred and fourteen, and shall then expire, unless further continued.

(2) The Acts mentioned in Part II. of the schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March nineteen hundred and fifteen, and shall then expire, unless further continued.

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the schedule to this Act or not.

Short title.

2. This Act may be cited as the Expiring Laws Continuance Act, 1913.

SCHEDULE.

Section 1.

Part I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(2) 3 & 4 Vict. c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act	5 & 6 Vict. c. 68. 30 & 31 Vict. c. 60.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(3) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act -	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act -	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(6) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act -	45 & 46 Vict. c. 61.
(8) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(9) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act -	45 & 46 Vict. c. 49.
(10) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865	The whole Act -	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29. 1 & 2 Geo. 5. c. 45.
(11) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(12) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act -	34 & 35 Vict. c. 61.
(13) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40. 8 Edw. 7. c. 39.
(14) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act -	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(15) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(16) 35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	The whole Act -	45 & 46 Vict. c. 50. (Municipal Elections).
(17) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act -	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(18) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act -	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37. s. 69.
(19) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(20) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act -	46 & 47 Vict. c. 51.
(21) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act -	6 Edw. 7. c. 58. s. 14.
(22) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act -	58 & 59 Vict. c. 40.
(23) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act -	56 & 57 Vict. c. 73. 1 & 2 Geo. 5. c. 7.
(24) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(25) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(26) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(27) 59 Vict. c. 1. -	The Local Government (Elections) Act, 1896.	The whole Act.	——
(28) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898	The whole Act -	7 Edw. 7. c. 31.
(29) 2 Edw. 7. c. 18.	The Licensing (Ireland) Act, 1902.	The whole Act.	——
(30) 3 Edw. 7. c. 36.	The Motor Car Act, 1903	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(31) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	——
(32) 5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act.	——
(33) 7 Edw. 7. c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, s. 2.	——

Part II.

(34) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act.	——
(35) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act.	——

CHAPTER 16.

An Act to amend the Foreign Jurisdiction Act, 1890.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to extend additional enactments. 53 & 54 Vict. c. 37.

1. The Foreign Jurisdiction Act, 1890, shall have effect as if to the enactments mentioned in the First Schedule to that Act (being enactments which may be applied by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction) there were added the enactments mentioned in the Schedule to this Act.

Short title.

2. This Act may be cited as the Foreign Jurisdiction Act, 1913, and the Foreign Jurisdiction Act, 1890, and this Act may be cited together as the Foreign Jurisdiction Acts, 1890 and 1913.

SCHEDULE.

Section 1.

ENACTMENTS WHICH MAY BE EXTENDED.

Session and Chapter.	Title.	Enactments which may be extended by Order in Council.
32 & 33 Vict. c. 10.	The Colonial Prisoners Removal Act, 1869.	The whole Act.
55 & 56 Vict. c. 6.	The Colonial Probates Act, 1892.	The whole Act.
57 & 58 Vict. c. 30.	The Finance Act, 1894 - -	Section twenty.
63 & 64 Vict. c. 14.	The Colonial Solicitors Act, 1900.	The whole Act.
8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	Sections thirty-four, thirty-five, and thirty-six.

CHAPTER 17.

An Act to prevent the Misdescription of Fabrics.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prohibition of sale with misleading description as to inflammability.

1. It shall not be lawful for any person to sell, or expose, or have in his possession for sale, any textile fabric either in the piece, or made up into garments, or in any other form, to which is attributed expressly or inferentially the quality of non-inflammability, or safety from fire, or any degree of such quality of non-inflammability or safety from fire—

(1) by wording or marking, descriptive or otherwise—

(*a*) upon the material; or

(*b*) upon any wrapper or band; or

(*c*) contained in any letterpress or writing referring to the material; or

(2) by verbal representation at the time of sale;

unless such textile fabric conforms to such standard of non-inflammability as may be prescribed by regulations to be made by the Secretary of State, and, if any person sells, or has in his

possession, textile fabric in contravention of this Act, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, or, in the case of a second or subsequent offence, fifty pounds.

Power of Secretary of State to make regulations. 56 & 57 Vict. c. 66.

2. All regulations made by the Secretary of State under this Act shall be laid before Parliament as soon as may be after they are made, and the Rules Publication Act, 1893, shall apply to such regulations as if they were statutory rules within the meaning of section one of that Act.

Cases where vendors purchase under warranty.

3. Where in any proceedings against a person charged with an offence under this Act, it is proved that an offence under this Act has been committed, but that the person charged with the offence—

(*a*) purchased the textile fabric in respect of which the offence was committed from a person resident within the United Kingdom who sold the textile fabric under a warranty that it complied with the prescribed standard of non-inflammability; and

(*b*) took reasonable steps to ascertain, and did in fact believe in the accuracy of the statement contained in the warranty;

the person so charged shall be entitled upon an information duly laid by him to have the person who gave the warranty brought before the court, and that person may be summarily convicted of the offence, and the person originally charged shall be exempt from any fine, and the person so convicted shall, in the discretion of the court, also be liable to pay any costs incidental to the proceedings.

Material found in possession deemed to be for sale.

4. Where a person is charged with having textile fabric in his possession in contravention of this Act, any such material proved in the proceedings to have been found in his possession shall be deemed to be intended for sale as aforesaid unless the contrary is proved.

Powers and duties of local authorities.

5.—(1) It shall be the duty of every local authority to enforce the provisions of this Act within their district, and for that purpose any male or female person or officer whom the local authority may appoint shall have power, if so authorised by the local authority, to institute and carry on any proceedings which the local authority is authorised to institute and carry on under this Act.

(2) In this Act the expression "local authority" means—

as respects the City of London, the common council;
as respects any municipal borough, the council of the borough;
as respects any urban district, the district council;
elsewhere, the county council:

Provided that the London County Council may, with the approval of the Secretary of State, make arrangements with

the council of any metropolitan borough for the exercise by the metropolitan borough as agents for the London County Council, on such terms and subject to such conditions as may be agreed on, of any powers of the London County Council under this Act within the district of the metropolitan borough, and the council of the metropolitan borough may, as part of the agreement, undertake to pay the whole or any part of the expense incurred in connection with the exercise of the powers delegated to them.

(3) The expenses of a local authority under this Act shall be defrayed,—

in the case of the common council of the city of London, out of the general rate ;

in the case of the council of a borough, out of the borough fund or borough rate ;

in the case of a district council, as part of the general expenses incurred in the execution of the Public Health Acts ;

in the case of a county council, as expenses for special county purposes ;

in the case of a metropolitan borough council, as part of the expenses of the council.

Fines imposed to be paid to local authorities.

6. All fines imposed in any proceedings instituted by a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority and carried to the credit of the fund out of which the expenses incurred by the authority under this Act are defrayed.

Application to Scotland.

7. This Act shall apply to Scotland, subject to the following modifications :—

(1) The Secretary for Scotland shall be substituted for the Secretary of State :

(2) The local authority, for the purposes of this Act, shall be the county council in a county (exclusive of the police burgh therein) and the town council in a royal, parliamentary, or police burgh :

(3) The expenses of a local authority under this Act shall be defrayed, in the case of a county council, out of the general purposes rate, and, in the case of a town council, out of the burgh general improvement assessment or any other assessment leviable by the town council in equal proportions on owners and occupiers :

Provided that the ratepayers of a police burgh shall not be assessed by the county council for any such expenses.

Application to Ireland.

8. This Act shall apply to Ireland, subject to the following modifications:—

(1) The Lord Lieutenant shall be substituted for the Secretary of State:

(2) A local authority, for the purposes of this Act, means, as respects any municipal borough, the borough council, and as respects any urban district the district council, and those authorities shall, as respects their several areas, be the local authorities for the purposes of this Act:

(3) The expenses of such local authorities shall be defrayed, in the case of a municipal borough, out of the borough fund or borough rate, in the case of a district council as part of the general expenses incurred in the execution of the Public Health (Ireland) Acts, 1878 to 1907.

Short title and commencement of Act.

9. This Act may be cited as the Fabrics (Misdescription) Act, 1913, and shall come into operation on the first day of January nineteen hundred and fourteen.

CHAPTER 18.

An Act to amend the Law with respect to Customs in the Isle of Man. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of additional duties on tea, tobacco, spirits, ale, and beer. 6 Edw. 7. c. 18. 63 & 64 Vict. c. 31.

1. The additional duty of Customs on tea removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1906, and the additional duties of Customs on tobacco and spirits removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1900, and the additional duty on ale and beer removed or imported into the Isle of Man imposed by the second paragraph of section two of that Act, shall continue to be charged, levied, and paid as from the first day of August nineteen hundred and thirteen until the first day of August nineteen hundred and fourteen.

Short title.

2. This Act may be cited as the Isle of Man (Customs) Act, 1913.

CHAPTER 19.

An Act to extend and amend the Law relating to the Adjustment of Financial Relations between Local Government Areas on the Alteration of the Boundaries thereof or other change in relation to which the adjustment takes place. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of law as to adjustments on alteration of local government boundaries, and extension of matters in respect of which adjustment may be made.

1.—(1) On any adjustment under section thirty-two or section sixty-two of the Local Government Act, 1888, or under section sixty-eight of the Local Government Act, 1894—

(*a*) Any adjustment of the Local Taxation Licences, the Estate Duty Grant, and the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, shall be carried out in accordance with the rules contained in Part I. of the Schedule to this Act:

(*b*) Provision shall be made for the payment to any authority of such sum as seems equitable in accordance with the rules contained in Part II. of the Schedule to this Act, in respect of any increase of burden which will properly be thrown on the ratepayers of the area of that authority in meeting the cost incurred by that authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries or other change in relation to which the adjustment takes place.

51 & 52 Vict. c. 41; 56 & 57 Vict. c. 73; 53 & 54 Vict. c. 60.

(2) This section shall apply to any adjustment made (otherwise than by agreement) under any of the said sections thirty-two and sixty-two of the Local Government Act, 1888, and sixty-eight of the Local Government Act, 1894, whether as originally enacted or as applied in England or Wales by any other Act, or by any Provisional Order, or by any order made or confirmed by the Local Government Board under the Local Government Act, 1888, or the Local Government Act, 1894, and consequent on an alteration of boundaries or other change effected after the passing of this Act.

Short title and repeal.

2. This Act may be cited as the Local Government (Adjustments) Act, 1913.

Section 1.

SCHEDULE.

PART I.

RULES FOR DETERMINING ADJUSTMENT OF THE LOCAL TAXATION LICENCES, THE ESTATE DUTY GRANT, AND THE RESIDUE UNDER SECTION ONE OF THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT, 1890.

(1) The portion of the Local Taxation Licences and Estate Duty Grant payable or estimated to be payable in respect of the area of the administrative county as it existed immediately before the appointed day shall after the appointed day be divided between the councils between which the adjustment is to be made, and the amount payable to each shall be apportioned on the following basis :—

(*a*) There shall be apportioned to the council of the administrative county from which the area is severed amounts equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that council in accordance with section twenty-four of the Local Government Act, 1888, in respect of the five years ending the thirty-first day of March preceding the appointed day, less the portions of such average annual amounts paid and transferred for and in respect of the separated area, and amounts equal to such last-mentioned portions shall be apportioned to the council of the other administrative county.

(*b*) Out of the balance (if any) of the said portion of the Local Taxation Licences and Estate Duty Grant there shall next be apportioned to the council of the administrative county from which the area is severed amounts equal to the average annual amounts of the compulsory payments made by or on behalf of that council in accordance with section twenty-six of the Local Government Act, 1888, in respect of the five years ending the thirty-first day of March preceding the appointed day, less the portions of such average annual amounts paid for and in respect of the separated area, and amounts equal to such last-mentioned portions shall be apportioned to the council of the other administrative county.

(*c*) Out of the balance (if any) of the said portion of the Local Taxation Licences and Estate Duty Grant there shall next be apportioned to the council of the administrative county from which the area is severed a sum equal to one-half of the average annual cost during the five years preceding the appointed day of the maintenance of main roads within the county (including any payments made in respect of the interest on or of the repayment of the capital of loans raised on account of such main roads), after deducting the amount of one-half of such cost incurred in respect of main roads within the area separated from the county, and such last-mentioned amount shall be apportioned to the council of the other administrative county :

Provided that, if it appears that the council of the administrative county from which the area is severed have failed to declare any roads in the county to be main roads

which ought to have been so declared, or have declared any roads to be main roads which ought not to have been so declared, proper adjustments shall be made in the calculation of the cost of maintenance of main roads in the county under this rule, by the inclusion of the cost of such roads as ought to have been declared to be main roads or the exclusion of the cost of such roads as ought not to have been declared to be main roads, as the case may require :

(*d*) If any balance of the Local Taxation Licences and Estate Duty Grant remains after apportioning between the two councils the sums ascertained in accordance with the foregoing rules, such balance shall be divided between the councils in proportion to the rateable values on the appointed day of the administrative county from which the area is severed less that area, and of that area, respectively :

(*e*) If any difficulty arises in ascertaining for the purposes of paragraph (*a*) or paragraph (*b*) the portion of any item paid or transferred for and in respect of the separated area or any part thereof, a portion of that item proportionate to the rateable value at the commencement of the financial year in respect of which the payment or transfer was made of that area or part as compared with the rateable value of the whole area for and in respect of which the item was paid or transferred shall be deemed to have been paid or transferred for and in respect of the separated area :

(*f*) If the amount available for apportionment under any of the preceding paragraphs is insufficient to meet the whole of the amounts apportioned under the paragraph to the two administrative counties, those amounts shall be reduced proportionately.

(2) The residue under section one of the Local Taxation (Customs and Excise) Act, 1890, payable or estimated to be payable in respect of the area of the administrative county as it existed immediately before the appointed day shall, after the appointed day, be divided between the councils in proportion to the rateable values on the appointed day of the administrative county from which the area is severed less that area, and of that area, respectively.

(3) For the purposes of this schedule, the expression "administrative county" includes a county borough, the expression "appointed day" means the day fixed for the transfer of the separated area from one administrative county to another, or, if the transfer is for the purposes of sections twenty to twenty-six of the Local Government Act, 1888, to be deemed to take effect at some later date, then such later date ; and the expression "rateable value" means (unless the parties to the adjustment otherwise agree) the rateable value as determined by the last valuation list, or, if there is no valuation list, by the last poor rate.

Part II.

Rules for determining Sum to be Paid in respect of Increase of Burden on Ratepayers.

(1) Regard shall be had to—

(*a*) The difference between the burden on the ratepayers which will properly be incurred by the authority in meeting the cost of executing any of their powers and duties and the

burden on the ratepayers which would properly have been incurred by the authority in meeting such cost had no alteration of boundaries or other change taken place ;

(*b*) The length of time during which the increase of burden may be expected to continue :

Provided that no alteration of income in consequence of an apportionment under Part I. of the schedule shall be taken into account.

(2) The sum payable to any authority in respect of the increase of burden shall not exceed, or, if payable by instalments or by way of annuity, the capitalised value of the instalments or annuity shall not exceed, the average annual increase of burden multiplied by fifteen.

(3) Any sum payable in respect of the cost of the maintenance of main roads shall be payable by way of annuity.

CHAPTER 20.

An Act to consolidate and amend the Laws relating to Bankruptcy in Scotland. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Bankruptcy (Scotland) Act, 1913.

Construction and meaning of certain expressions.

52 & 53 Vict. c. 39.

2. In this Act, unless a contrary intention appears, "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session ; "deliverance" shall include any order, warrant, judgment, decision, interlocutor, or decree ; "clerk or "officer of the Court of Session" shall include the keeper of the registers of inhibitions and adjudications ; "accountant" shall mean the accountant of court appointed under the Judicial Factors (Scotland) Act, 1889 ; "Gazette" shall mean the Edinburgh Gazette ; "commissioners" shall mean a majority of the commissioners elected under the provisions of this Act ; "property" and "estate" shall, when not expressly restricted, include every kind of property, heritable or moveable, wherever situated, and all rights, powers, and interests therein capable of legal or voluntary alienation, or of being affected by diligence or attached for debt, and any non-vested contingent right of succession or interest in property conceived in favour of the bankrupt under the will or settlement of any person deceased, or under marriage contract, or under any other deed, instrument, or writing of an irrevocable nature ; "moveable" shall include personal ; and "heritable" shall include real ; "security" shall include securities, heritable or moveable, and rights of lien, retention, or preference, and conveyances thereof and any part thereof ; "successors" shall include all persons who have succeeded to any property which was vested in a party deceased at the time of his death, whether as heirs, heirs apparent, trustees under voluntary conveyances, representatives by deed

or otherwise, executors, administrators, or nearest of kin, or as assignees, or legatees, and shall also include singular successors where they have acquired the right; "vote" shall include a consent to any offer of composition, deed of arrangement, recall of sequestration, or private sale of heritage, and to a discharge of the debtor, and also a dissent from such offer, deed of arrangement, recall, private sale, or discharge; "company" shall include bodies corporate, politic, or collegiate, and partnerships; "partner of a company" shall include the members of such bodies; "debtor," "bankrupt," and "creditor" shall apply to companies as well as individuals, and shall include aliens; "undischarged bankrupt" shall include a person whose estate has been sequestrated and who has not received his discharge from a competent court in Scotland; "summary sequestration" shall mean a sequestration to which the provisions of sections one hundred and seventy-four, one hundred and seventy-five and one hundred and seventy-six of this Act apply.

Reckoning of time.

3. Periods of time in this Act shall be reckoned exclusive of the day from which such period is directed to run.

Dates of deeds.

4. The date of a deed under this Act, or under the Act passed in the Parliament of Scotland held in the year one thousand six hundred and ninety-six, chapter five, shall be the date of the registration of the deed, or of delivery, or of intimation, or of such other proceeding as shall, in the particular case, be requisite for rendering such deed completely effectual.

CONSTITUTION AND EFFECTS OF NOTOUR BANKRUPTCY.

Notour bankruptcy of individuals.

5. Notour bankruptcy shall be constituted by the following circumstances:—

1st. By sequestration, or by the issuing of an adjudication of bankruptcy or the granting of a receiving order in England or Ireland; or

2nd. By insolvency, concurring—

(A)—(1) With a duly executed charge for payment, where a charge is necessary, followed by the expiry of the days of charge without payment;

(2) Where a charge is not necessary, with the lapse without payment of the days which must elapse before poinding or imprisonment can follow on a decree or warrant for payment of a sum of money;

(3) With a poinding or seizure of any of the debtor's moveables for non-payment of rates or taxes;

(4) With a decree of adjudication of any part of his heritable estate for payment or in security; or

(B) With sale of any effects belonging to the debtor under a sequestration for rent.

Of a company.

6. Notour bankruptcy of a company shall be constituted either in any of the foregoing ways or by any of the partners being rendered notour bankrupt for a company debt.

Commencement of notour bankruptcy.

7. Notour bankruptcy shall be held to commence from the time when its several requisites concur, and when it has once been constituted shall continue, in case of a sequestration, till the debtor shall obtain his discharge, and in other cases until insolvency cease, without prejudice to notour bankruptcy being anew constituted within such period or after the expiry thereof and any second or subsequent constitution of notour bankruptcy shall be available for all the purposes of section ten of this Act as well as for the purpose of applying for sequestration of a debtor's estates.

Deeds made void by this Act, and alienations of property voidable, may be set aside by way of action, &c.

8. Deeds made void by this Act, and all alienations of property by a party insolvent or notour bankrupt, which are voidable by statute or at common law, may be set aside either by way of action or exception, and a decree setting aside the deed by exception shall have the like effect, as to the party objecting to the deed, as if such decree were given in an action at his instance: and this section shall apply as well in the sheriff court as in the Court of Session.

May be by trustee.

9. The trustee on a sequestrated estate, whether representing prior creditors or not, shall, under this Act, be entitled to set aside any such deed or alienation for behoof of the whole body of creditors, and in so doing shall be entitled to the benefit of any presumption which would have been competent to any creditor.

Pari passu Ranking of Diligence.

Arrestments and poindings.

10. Arrestments and poindings which shall have been used within sixty days prior to the constitution of notour bankruptcy, or within four months thereafter, shall be ranked pari passu as if they had all been used of the same date; provided that, if such arrestments are used on the dependence of an action, they be followed up without undue delay; provided further that any creditor judicially producing in a process relative to the subject of such arrestment or poinding liquid grounds of debt or decree of payment within such period shall be entitled to rank as if he had executed an arrestment or a poinding; and in case the first or any subsequent arrester shall, in the meantime, obtain a decree of forthcoming and preference, and thereupon shall recover payment, or a poinding creditor shall carry through a sale, he shall be accountable for the sum recovered to those who, by virtue of this Act, may be eventually found to have a right to a ranking pari passu thereon, and shall be liable to an action at their instance for payment to them proportionally, after allowing out of the fund the expense of recovering the same; and if any arrestments be used for attaching the same effects after the period of four months

subsequent to the bankruptcy, such arrestments shall not compete with those used within the said periods prior or subsequent thereto, but may rank with each other on any reversion of the fund attached, according to law and practice.

SEQUESTRATION, WHEN COMPETENT.

Sequestration may be awarded in cases herein enumerated.

11. Sequestration may be awarded of the estate of any person in the following cases:—

1st. In the case of a living debtor subject to the jurisdiction of the supreme courts of Scotland:

(A) On his own petition, with the concurrence of a creditor or creditors, qualified as herein-after mentioned;

(B) On the petition of a creditor or creditors, qualified as hereinafter mentioned, provided the debtor be notour bankrupt, and have within a year before the date of the presentation of the petition resided or had a dwelling house or place of business in Scotland; or otherwise, in the case of a company being notour bankrupt, as hereinbefore provided, if it have within such time carried on business in Scotland, and any partner have so resided or had a dwelling house or if the company have had a place of business in Scotland:

Sequestration of deceased debtor.

2nd. In the case of a deceased debtor who at the date of his death was subject to the jurisdiction of the supreme courts of Scotland:

(A) On the petition of a mandatory to whom he had granted a mandate to apply for sequestration;

(B) On the petition of a creditor or creditors qualified as hereinafter mentioned.

Qualification of creditors, petitioning or concurring.

12. Petitions for sequestration may be at the instance or with the concurrence of any one or more creditors whose debt or debts together amount to not less than fifty pounds, whether such debts are liquid or illiquid, provided they are not contingent.

Within what date petitions may be presented.

13. Petitions for sequestration, presented without the concurrence of the debtor, he being in life, shall be competent only within four months of the date of the debtor's notour bankruptcy; and petitions for sequestration of the estates of a deceased debtor at the instance of a creditor may be presented at any time after the debtor's death, but no sequestration shall be awarded until the expiration of six months from the debtor's death, unless he was at the time of his death notour bankrupt, or unless his successors shall concur in the petition or renounce the succession, in which several cases sequestration shall forthwith be awarded; and in all other cases falling under this Act a petition for sequestration shall be competent at any time, and sequestration may follow thereon in manner hereinafter directed.

INTERIM PRESERVATION OF ESTATE.

Court may take measures to preserve estate before sequestration.

14. It shall be competent for the court to which a petition for sequestration is presented, whether sequestration can forthwith be awarded or not, on special application by a creditor, either in such petition or by a separate petition, with or without citation to other parties interested, as the said court may deem necessary, or without such special application if the court think proper, to take immediate measures for the preservation of the estate, either by the appointment of a judicial factor, who shall find such caution as may be deemed necessary, with the powers necessary for such preservation, including the power to recover debts, or by such other proceedings as may be requisite; and such interim appointments or proceedings shall be carried into immediate effect; but, if the same have been made or ordered by the sheriff, they may be recalled by the Court of Session, on appeal taken, in manner hereinafter directed.

After sequestration bankrupt's papers may be sealed up.

15. The sheriff shall have power, upon cause shown by any creditor, or without any application, if he shall think fit: (1) at any time after the sequestration and before the election of a trustee, to cause to be sealed up and put under safe custody the books and papers of the bankrupt, and to lock up his shop, warehouse, or other repositories, and to keep the keys thereof till a trustee is elected and confirmed: (2) At any time after the presentation of a petition for sequestration, to grant warrant to take possession of and put under safe custody any bank notes, money, bonds, bills, cheques or drafts, or other moveable property belonging to or in the possession of the debtor; and, if necessary for that purpose, to open lock-fast places, and to search the dwelling-house, shop, counting-house, warehouse, or other premises, and the person of the debtor.

FORUM.

Courts for awarding sequestration.

16. Sequestration may be awarded in the case of a debtor in life or of a deceased debtor either by the Court of Session or by the sheriff of any county in which the debtor has resided or carried on business for the year preceding the date of the petition, or in the case of a deceased debtor for the year preceding the date of his death: Provided (1) that no sequestration shall be awarded by any court after production of evidence that a sequestration has already been awarded in another court, and is still undischarged; (2) that, where a prior petition for sequestration is in dependence before any court, the court to which a subsequent petition has been presented may remit such subsequent petition to the court in which the prior petition is in dependence.

Later sequestrations to be remitted to the first in date.

17. When sequestration has been awarded against a debtor by the sheriffs of two or more counties, the later sequestration or sequestrations shall, on production of a certificate by the sheriff clerk of the county in which the sequestration first in date was

awarded, setting forth the date of such sequestration, be remitted to the sheriff of such county and a notice of such remit shall be inserted in the Gazette within four days after a copy of the deliverance of such remit could be received in course of post in Edinburgh. Where all the sequestrations are of the same date, any one may be brought by appeal at any time before either division of the Court of Session or Lord Ordinary; and on such appeal, or when a sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by one or more sheriff courts, the Court of Session or Lord Ordinary shall remit the sequestration to such sheriff court as in the whole circumstances they or he shall deem expedient; and a notice of such remit shall be inserted in the Gazette within four days after such remit shall have been made: Provided always that, in any case in which the sheriff has refused to sequestrate, it shall be competent to present a petition for sequestration to the Court of Session notwithstanding such judgment of refusal.

No proceeding under order of sheriff to be effectual after appeal, except for preservation of estate.

18. It shall be competent in such case for each sheriff awarding sequestration to take such measures in the meantime as may be necessary for preserving the debtor's estate and effects within his jurisdiction, under the provisions of this Act; but no other orders given by any sheriff on or after awarding sequestration, and no proceedings of creditors or others in pursuance thereof, excepting orders given by the sheriff before whom the sequestration comes to depend, shall be of any force or effect from and after the date of such appeal, or of sequestration by the Court of Session.

Transfer of sequestration.

19. After a sequestration has been awarded it shall be competent at any time to bring such sequestration before the Court of Session or the Lord Ordinary by Appeal, and the Court or the Lord Ordinary may thereupon transfer such sequestration from the sheriff court to which it has been remitted or before which it depends to any other sheriff court.

Form of Petition, and Productions therewith.

Form of petition.

20. Petitions for sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the petitioner or his counsel or agent, and the division of the court to which the sequestration is appropriated shall be marked thereon, and in the sheriff court shall be signed by the petitioner or his agent, and in either court, in petitions at the instance of the debtor, but not signed by him, there shall be produced therewith a mandate authorising the same, signed by him, or in the case of a company signed by a party entitled to act for the company; and in all cases the petitioning or concurring creditor shall produce with such petition an oath to the effect hereinafter specified, and also the account and vouchers of the debt as hereinafter provided; failing which production the petition shall be dismissed.

Oath to be produced.

Oath to be to verity of debt and extent of securities.

21. Such oath, in the case of a creditor residing within the kingdom of Great Britain and Ireland, shall be taken by him before a judge ordinary, magistrate, justice of the peace, a notary public, or a commissioner competent to administer oaths in the High Court of Justice in England or Ireland, to the verity of the debt claimed by him; and he shall in such oath state what other persons, if any, are, besides the bankrupt, liable for the debt or any part thereof, and specify any security which he holds over the estate of the bankrupt or of other obligants, and depone that he holds no other obligants or securities than those specified; and, where he holds no other person than the bankrupt so bound, and no security, he shall depone to that effect.

How taken, when creditor out of Great Britain or Ireland.

22. Such oath, in the case of a creditor who is out of the kingdom of Great Britain and Ireland, shall be taken by him to the verity of the debt in the manner above provided before a magistrate or justice of the peace, or other person qualified to administer oaths in the country where he resides (he being certified to be a magistrate or justice of the peace, or qualified as aforesaid, by a British minister or British consul, or by a notary public), or his known agent or mandatory in Great Britain or Ireland shall make an oath of credulity in the manner and to the effect before provided.

Oath to specify further particulars in certain cases.

23. When a petition is presented for sequestration of the estates of a deceased debtor, the petitioning creditor shall, in his oath, or in a separate oath, specify the place where the debtor resided or had a dwelling house or carried on business in Scotland at the time of his death, and whether he was then owner of estates in Scotland.

Claims of companies and creditors who are minors or incapable.

24. When the creditor is a corporation, an oath of verity made as aforesaid by the secretary, manager, cashier, clerk, or other principal officer of such corporation shall be sufficient, although the person making the same be not a member of such corporation, or in case of other companies an oath by a partner shall be sufficient; and where any creditor shall be under age or incapable to make oath, an oath of credulity as aforesaid by his authorised agent, factor, guardian, or manager shall be sufficient.

Citation on Petition.

When citation of parties necessary.

25. When a petition for sequestration is presented without the consent of the debtor, or for the sequestration of the estate of a debtor who is dead, without the consent of the successor, the Lord Ordinary or sheriff to whom it is presented shall grant warrant to cite the debtor, or, if dead, his successor, to appear within a specified period, if he be within Scotland, by delivering to him personally, or by posting in a registered letter addressed to him at his dwelling house or place of business, or the dwelling house or place of business last occupied by him, a copy of the petition and warrant, and, if the debtor or his successor be furth

of Scotland, to cite him to appear within a specified period by leaving such copy at the office of edictal citations and at the dwelling house or place of business last occupied by him, to show cause why sequestration should not be awarded; and the Lord Ordinary or the sheriff shall, if desired, grant diligence to recover evidence of the notour bankruptcy or other facts necessary to be established.

In sequestration of a company.

26. When the debtor is a company, it shall be a sufficient citation that a copy of the petition and warrant be left at the place where the business of the company is or was last carried on, provided a partner or a clerk or a servant of the company be there, and failing thereof at the dwelling house of any of the acting partners, and, if the house of such partner cannot be found, by leaving a copy at the office of edictal citations; and sequestration may be awarded either on the application of the company itself, or on the application of a creditor or creditors to the amount aforesaid, without the consent of the company, of the estates of the company and partners jointly, or of their respective estates separately.

Induciæ of citation.

27. The induciæ of citation, when made personally or at a dwelling house or place of business, shall be not less than six nor more than fourteen days, and when made edictally shall be fourteen days; and the Lord Ordinary or the sheriff at the same time shall direct intimation of the warrant, and of the diet of appearance on such induciæ, to be made in the Gazette: Provided that, where citation is made edictally and the address of the debtor in England or Ireland is known, a copy of the petition shall be sent to him at that address by registered letter posted on the day upon which the induciæ of citation begin to run.

Procedure on Petition.

Sequestration to be forthwith awarded on petition by debtor.

28. When a petition is presented in manner aforesaid to the Lord Ordinary, or to the sheriff, for sequestration, the Lord Ordinary or the sheriff shall forthwith, if the same is presented by or with the concurrence of the debtor, or, if dead, of his successor, or if the successor shall renounce the succession, issue a deliverance by which he shall award sequestration of the estates which then belong or shall thereafter belong to the debtor before the date of the discharge, and declare the estates to belong to the creditors for the purposes of this Act, and, if the debtor is dead, shall ordain any successor who has made up a title to or is in possession of any part of his property to convey the same to the trustee to be appointed as hereinafter mentioned.

Sequestration to be awarded after citation and hearing parties when petition not by debtor.

29. Where the petition is not by or with the concurrence of the debtor, or, if dead, of his successor, and if the debtor, or if dead, his successor, do not appear at the diet of appearance, either in person or by his counsel or agent, and show cause why the sequestration cannot be competently awarded, or if the

debtor so appearing do not instantly pay the debt or debts in respect of which he was made bankrupt, or produce written evidence of the same being paid or satisfied, and also pay or satisfy, or produce written evidence of the payment or satisfaction of the debt or debts due to the petitioner or to any other creditor appearing and concurring in the petition, the Lord Ordinary or sheriff, on production of evidence of the citation and of the foresaid requisites for sequestration, shall award sequestration in manner and to the effect before mentioned; and it shall not be competent for any creditor, after the date of the first deliverance on the petition for sequestration, to be confirmed executor creditor, or to raise or insist in any adjudication against the estate of the deceased debtor.

Recall of sequestration within forty days.

30. The deliverance awarding sequestration shall not be subject to review; but any debtor whose estate has been sequestrated without his consent, or the successors who have not renounced the succession of any deceased debtor whose estate has been sequestrated without their consent, unless on the application of a mandatory authorised by the deceased debtor, or any creditor, whether the sequestration has been awarded by the Lord Ordinary or by the sheriff, may, within forty days after the date of such deliverance, present a petition to the Lord Ordinary, setting forth the grounds for recall, and praying for recall; and when sequestration has been awarded of the estate of a deceased debtor, when his successor was edictally cited, it shall be competent for his successor, or any person having interest, to apply by petition as aforesaid at any time before the publication of the advertisement for payment of the first dividend hereinafter mentioned; and the Lord Ordinary shall, in these several cases, order a copy of the petition for recall and of his deliverance to be served on the parties who petitioned or concurred in the petition for sequestration, or on their respective known agents, and on the trustee, if appointed, and shall require them to answer within a specified short time, and order a notice of the presentation of the petition for recall to be published in the Gazette, and on the expiration of the time so fixed he shall proceed to pronounce judgment; and, if he shall recall the sequestration, the recall shall be entered in the register of sequestrations, and an abbreviate extract thereof in the form of Schedule E, No. 5, hereto annexed, shall be recorded in the registers of inhibitions and adjudications.

Recall of sequestration at a future time.

31. No petition for recall of the sequestration, excepting as hereinafter provided, shall be competent after the expiration of the said forty days, or after the advertisement for payment of the first dividend; provided that nine-tenths in number and value of the creditors ranked on the estate as herein directed may at any time apply for recall by petition to the Lord Ordinary, who shall order notice of his deliverance to be published in the Gazette, requiring all concerned to appear within fourteen days from the date of publication to show cause why

the sequestration should not be recalled, and on expiration of the said time he shall proceed to pronounce judgment.

Proceedings not to be stayed.

32. Pending any petition for recall, and until the sequestration be finally recalled, the proceedings in the sequestration shall go on as if no such petition had been presented.

Sisting of one party for another.

33. If a creditor who has petitioned for sequestration, or concurred in such petition, or who has petitioned for recall of a sequestration, or appeared to oppose a petition for sequestration or recall, or lodged an objection, shall withdraw, or become bankrupt, or die, any other creditor may be sisted in his place and follow out the proceedings; and, if the debtor shall die after the petition for sequestration is presented, the proceedings shall notwithstanding be followed out in terms of this Act, so far as circumstances will permit.

Majority of creditors may resolve that estate be wound up.

34. At the meeting for the election of the trustee or at any subsequent meeting to be called for the purpose, a majority in number and three-fourths in value of the creditors present or represented at such meeting may resolve that the estate ought to be wound up under a deed of arrangement, and that an application should be presented to the Lord Ordinary or the sheriff to sist procedure in the sequestration for a period not exceeding two months, and on such resolution being carried it shall not be necessary to elect a trustee. The provisions of this Act relative to deeds of arrangement shall extend to and include settlements or arrangements by way of composition.

Bankrupt to report resolution to the Lord Ordinary.

35. It shall be lawful for the bankrupt, or any person appointed by the meeting, to report such resolution to the Lord Ordinary or the sheriff, within four days of the date of such resolution, and to apply for a sist of the sequestration in terms thereof; and the Lord Ordinary or the sheriff may hear any party having interest, and, if he shall find that such resolution was duly carried, and that the application is reasonable, may grant the same.

Lord Ordinary to make arrangement for interim management of estate.

36. In the event of such application being granted, the Lord Ordinary or the sheriff may, on the application of any creditor, make such arrangement for the interim management of the estate as he shall think reasonable, if any shall appear to be necessary.

If sequestration be sisted, creditors may produce to the Lord Ordinary a deed of arrangement.

37. If the sequestration shall be sisted, the creditors may, at any time within the period of such sist, produce to the Lord Ordinary or the sheriff a deed of arrangement, subscribed by or by authority of a majority in number and three-fourths in value of the creditors of the bankrupt; and the Lord Ordinary or the sheriff may consider the same, and make such intimation thereof as he may think proper, and hear parties having interest, and make any inquiry he may think necessary; and, if he shall be satisfied that such deed of arrangement has been duly entered into and executed and is reasonable, he shall

approve thereof, and declare the sequestration at an end; and such deed shall thereafter be as binding on all the creditors as if they had all acceded thereto: Provided always that the sequestration shall receive full effect in so far as may be necessary for the purpose of preventing, challenging, or setting aside preferences over the estate.

If resolution not reported the sequestration to proceed.

38. If such resolution shall not be duly reported, or if a sist be refused, or if such deed of arrangement shall not be duly produced, or if it shall not be approved of, the sequestration shall proceed, and the period of time subsequent to such resolution shall not be reckoned in calculating periods of time prescribed in this Act; and the Lord Ordinary or the sheriff may make all necessary orders, by appointing meetings of creditors and otherwise, for resuming the necessary procedure in the sequestration.

If sequestration declared at an end, judgment to be recorded.

39. If the sequestration be declared at an end, the judgment declaring the same shall be recorded in the same manner as if the sequestration had been recalled as hereinbefore provided.

Payment of expenses of petitioning or concurring creditor.

40. The petitioning or concurring creditor shall be entitled to payment by the trustee, when he shall be appointed, out of the first of the funds which shall come into his hands, of the expenses incurred by such creditor in obtaining the sequestration and doing the other acts hereby required prior to the election of the trustee, as the same shall be taxed.

Commencement of sequestration.

41. In all questions under this Act or preceding Acts regarding sequestration of the estates of debtors, the sequestration shall be held to commence and take effect on and from the date of the first deliverance on any petition for sequestration, which shall be held to be the date of the sequestration, although the sequestration be not actually awarded until a later date.

Clerks to sequestration.

42. In sequestrations awarded in the Court of Session and remitted to the sheriff the process of sequestration shall be held to be in the Bill Chamber of the Court of Session, and the clerks of the Bill Chamber shall be clerks to such sequestrations; and the sheriff clerk of any county shall be clerk to the sequestrations awarded by the sheriff of that county; and no process of sequestration, either in the Court of Session or sheriff court, shall fall asleep; and, on a remit of a sequestration awarded in the Court of Session being made to the sheriff, a copy of the petition for sequestration and of the first deliverance, and also (where it is different) of the deliverance awarding sequestration, certified by one of the clerks of the Bill Chamber, shall, with the productions, be transmitted by the petitioner to the sheriff clerk of the county to the sheriff of which the sequestration is remitted; and in all sequestrations the sheriff clerk and messengers-at-arms and officers of the sheriff court shall have power to act in their respective offices under this Act.

Sequestration not to fall asleep.

Recall of sequestration on special grounds.

43. If, in any case where sequestration has been or shall be awarded in Scotland, it shall appear to the Court of Session or to the Lord Ordinary, upon a summary petition by the accountant or any creditor or other person having interest presented to either division of the said court or to the Lord Ordinary at any time within three months after the date of the sequestration that a majority of the creditors in number and value reside in England or in Ireland, and that from the situation of the property of the bankrupt or other causes his estate and effects ought to be distributed among the creditors under the bankrupt or insolvent laws of England or Ireland, the said court in either division thereof or the Lord Ordinary, after such inquiry as to them shall seem fit, may recall the sequestration: Provided that any interlocutor of the Lord Ordinary to that effect shall be subject to review.

Registration of Sequestrations.

Recording abbreviate of sequestration.

44. The party applying for sequestration shall present, before the expiration of the second lawful day after the first deliverance if given by the Lord Ordinary, or present or transmit by post before the expiration of the second lawful day after the said deliverance if given by the sheriff, an abbreviate of the petition and deliverance, signed by him or his agent, in the form of Schedule (A. No. 1) hereunto annexed, to the keeper of the registers of inhibitions and adjudications at Edinburgh, who shall forthwith record the said abbreviate in the said registers, and write and subscribe a certificate thereof on the said abbreviate in the form also specified in the said Schedule (A. No. 2), and shall, on the request of the party transmitting such abbreviate, and on payment by him of the fees of such registration, and of the postage, re-transmit the said abbreviate by post to the said party; and the abbreviate so recorded shall from the date of the said deliverance have the effect of an inhibition and of a citation in an adjudication of the estate of the debtor at the instance of the creditors afterwards ranked on the estate; and it shall not be competent to stop such effect, or the effect of the sequestration after it is awarded, by paying the debt or debts in respect of which it was applied for or awarded: Provided that such effect shall expire on the lapse of a period of five years from the date of the abbreviate being so recorded, but that it shall be competent and unless the trustee has been discharged he is hereby required before the lapse of such period to record a memorandum in the form of the said Schedule (A. No. 4), which memorandum when so recorded shall have the same effect as the recorded abbreviate and shall expire in like manner; and that it shall be competent and unless the trustee has been discharged he is hereby required to record a memorandum as aforesaid before the lapse of every subsequent period of five years with the like effect and expiring in the like manner, and, if the said abbreviate or memorandum be not so recorded, it shall have no effect as an inhibition or citation as aforesaid.

The party applying for sequestration shall, within four days from the date of the deliverance awarding the sequestration (if awarded in the Court of Session), or, if it is awarded by the sheriff, within four days after a copy of the said deliverance could be received in course of post in Edinburgh, insert a notice in the form of Schedule (B.) hereunto annexed in the Gazette, and also one notice in the same terms within six days from the said date in the London Gazette.

Ranking of Claims.

1. *General Rules as to Voting and Ranking for Payment of Dividends.*

Creditor claiming must produce oath.

45. To entitle a creditor to vote or draw a dividend, he shall be bound to produce at the meeting, or in the hands of the trustee, an oath to the effect and taken in manner hereinbefore appointed in the case of creditors petitioning for sequestration, and the account and vouchers necessary to prove the debt referred to in such oaths.

Oath in cases where accounts and vouchers are not in creditor's possession.

46. If the creditor be not in possession of such accounts and vouchers previously to the period hereinafter assigned for lodging claims with a view to a share in any dividend, he shall state, in his oath, the cause of the said accounts and vouchers not being produced, and in whose hands, to the best of his knowledge, the same are; which oath shall entitle him to have a dividend set apart till a reasonable time be afforded for production thereof, or for otherwise establishing his debt according to law; but he shall not be entitled to act or vote till such production be made, or the debt established as aforesaid; and the trustee shall, on production of the oaths and grounds of debt, mark the same with his initials, and make an entry thereof in the sederunt book, and of the date when the same were produced, and, if required, he shall return to the creditor the grounds of debt.

Provision for correction of oath.

47. When it shall appear to the sheriff or to the trustee that the oath or claim of any person produced with a view to voting or ranking, and drawing a dividend on the sequestration, is not framed in the manner required by this Act, the sheriff or trustee, as the case may be, shall call upon such person, or his agent or mandatory, to rectify his oath and claim, pointing out to him wherein it is defective; and, unless such person or his agent or mandatory shall thereupon make such alteration upon his oath and claim as may be necessary in order to rectify the same, the sheriff or trustee, as the case may be, shall disallow or reject such oath and claim: Provided always that, when the failure to comply with the provisions of this Act shall appear to have been made for some improper or fraudulent purposes, or where injury can be qualified by the other creditors or any of them in respect thereof, it shall not be incumbent upon the sheriff or trustee to give such person an opportunity to rectify his oath and claim as aforesaid.

Creditors may vote and rank for principal and interest to date of sequestration only.

48. A creditor who has a claim or a debt due shall be entitled to vote and rank for the accumulated sum of principal and interest to the date of the sequestration, but not for any interest accruing after the date of the sequestration, and, if the debt is not payable till after the date of the sequestration, he shall be entitled to vote and rank for it only after deduction of the interest from that date, and he shall also be liable to deduction of any discount beyond legal interest to which his claim is liable by the usage of trade applicable to it, or by the contract or course of dealing between the creditor and the bankrupt, but he shall not be bound to specify separately in his oath or claim for his debt the amount of any interest due thereon or of any interest or discount deducted therefrom, or to specify therein any accumulated sum of principal and interest, and, if there be any residue of the estate after discharging the debts ranked, he shall be entitled to claim out of such residue the full amount of the interest on his debt in terms of law.

Valuation of claim depending on a contingency.

49. When the claim of a creditor depends upon a contingency which is unascertained at the date of lodging his claim, he shall not be entitled to vote nor to draw a dividend in respect of such contingent debt, but he may apply to the sheriff, if the trustee has not been elected, or, if elected, to the trustee, to put a value on such debt, and the sheriff or trustee (as the case may be) shall put a value thereon as at the date of such valuation; and on such value being fixed such creditor shall be entitled to vote and draw dividends in respect of such value, and no more: Provided that, if such contingency have taken place before the debt has been valued, such creditor may vote and draw dividends in respect of the amount of the debt, but the same shall not disturb any former dividends allotted to other creditors; and, when such application is made to the sheriff, notice thereof shall be given to the bankrupt and petitioning or concurring creditor; and the judgment of the sheriff or trustee shall be subject to review, and any creditor who has claimed on the estate may appeal, or appear and be heard on any appeal.

Valuation of claim on annuity.

50. No creditor in respect of an annuity granted by the bankrupt shall be entitled to vote and draw a dividend until such annuity shall be valued, but he may, if the trustee has not been elected, apply to the sheriff, or, if elected, to the trustee, to put a value on such annuity; and the sheriff or trustee, as the case may be, shall put a value on the annuity, regard being had to the original price given for the annuity, deducting therefrom such diminution in the value of the annuity as shall have been caused by the lapse of time since the grant thereof to the date of the sequestration; and such creditor shall be entitled to vote and draw dividends in respect of such value, and no more: Provided always that, when such application is made to the sheriff, notice thereof shall be given to the bankrupt and the petitioning or concurring creditor; and the judgment of the sheriff or trustee shall be subject to review, and any creditor

who has claimed on the estate may appeal, or appear and be heard on any appeal.

Creditor not to sue cautioner after the date of sequestration.

51. When any person is bound as cautioner for payment of such annuity, it shall not be lawful for the creditor therein to sue or charge such cautioner after the date of the sequestration, except for the value fixed as aforesaid, and the arrears of annuity and interest thereon; and, on such cautioner making payment of such value and arrears to the creditor and the lawful interest thereon, he shall be discharged of all liability for such annuity, and he may thereupon enter a claim in the sequestration for the sum so paid, and vote and draw dividends thereon; provided that, if such cautioner shall not pay the sum so fixed and arrears and interest as aforesaid, before any payment of the annuity subsequent to the fixing thereof becomes due, he shall be bound to make payment of the said annuity, and all subsequent annuities, until he shall make payment of the sum so fixed, arrears of annuity and interest as aforesaid, deducting always such dividends as the creditor shall have received before full payment as aforesaid.

Obligant not freed from liability for debt, in respect of any vote given or dividend drawn by the creditor.

52. When a creditor has an obligant bound to him along with the bankrupt for the whole or part of the debt, such obligant shall not be freed from his liability for such debt in respect of any vote given or dividend drawn by the creditor, or of his assenting to the discharge of the bankrupt, or to any composition or deed of arrangement; but such obligant may require and obtain, at his own expense, from such creditor, an assignation to the debt, on payment of the amount thereof, and in virtue thereof enter a claim on the said estate, and vote and draw dividends, if otherwise legally entitled to do so.

Liability of creditors for expenses.

53. No person shall, by merely lodging an oath and claim, or being ranked or receiving payment of a dividend, or appearing or voting at a meeting in a sequestration as a creditor, be liable for any claim by the agent or other person employed by the trustee for money advanced, or expense incurred, or remuneration in relation to the affairs of the estate, reserving to the agent or other person so employed right to payment out of the estate and from the trustee by whom he may have been employed, in so far as the same may be competent to him; and no trustee shall have relief in respect of such payment against such creditor, reserving to such trustee relief against the estate, and against those creditors or others who may on other grounds be liable in relief.

Oaths not to supersede other evidence.

54. In no case shall oaths of verity or credulity supersede production of legal evidence, when required, in any discussion before the Court of Session, the Lord Ordinary, the sheriff, or the trustee.

2. Special Rules as to Voting.

Valuation of securities for voting.

55. If a creditor hold a security for his debt over any part of the estate of the bankrupt, he shall, before voting, make an

oath, in which he shall put a specified value on such security, and, deduct such value from his debt, and specify the balance, and, if the estate over which the security extends be sold, he shall specify in his oath the free proceeds which he has received or shall be entitled to receive therefrom, and specify the balance due after deduction thereof, and he shall be entitled in any case to vote in respect of the balance, and no more, without prejudice to the amount of his debt in other respects; and in questions as to the disposal or management of the estate subject to his security he shall be entitled to vote as a creditor for the full amount of his debt, without making any such deduction: Provided that, if a creditor hold more than one such security, he shall value each separately.

Valuation of obligations of co-obligants with bankrupt.

56. When a creditor has an obligant bound with but liable in relief to the bankrupt, or holds any security from an obligant liable in relief to the bankrupt, or any security from which the bankrupt has a right of relief, such creditor shall, before voting, make an oath, in which he shall put a specified value on the obligation of such obligant, and on such security to the extent to which the bankrupt is entitled to relief, and he shall deduct such value from his debt, and specify the balance, and he shall be entitled to vote in respect of such balance, and no more, without prejudice to the amount of his debt in other respects: Provided that, when a creditor has more than one such obligant, or holds more than one such security, he shall put a specified value on the obligation of each such obligant and on each such security.

Valuation of claims against a company and partners.

57. A creditor on the estate of a company shall not be bound, for the purpose of voting on the company's estate, to deduct from his claim the value which he may be entitled to draw from the estates of the partners; but, if he claim on the estate of a partner, he shall, before voting, in his oath put a specified value on his claim against the estate of the company, and also against the other partners thereof, in so far as they are liable to relieve such partner, and deduct such value from his debt, and specify the balance, and he shall be entitled to vote as a creditor for the said balance, and no more, without prejudice to the amount of his debt in other respects.

Trustee may require a conveyance of security by creditor on 20 per cent. addition to his own valuation.

58. It shall be competent to the trustee, with consent of the commissioners, within two months after an oath, specifying the value of a security or securities, or obligation or obligations, or claim in the several cases before mentioned, has been made use of in voting at any meeting or in assenting to or dissenting from the bankrupt's composition or discharge, and it shall also be competent to the majority of the creditors (excluding the creditor making such oath) assembled at any meeting, and during such meeting, to require from the creditor making such oath a conveyance or assignation in favour of the trustee of such security or securities, obligation or obligations, or claim, on payment of the specified value or values, with twenty per

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centum in addition to such value or values; and the creditor shall be bound to grant such conveyance or assignation, at the expense of the estate: Provided that, where a creditor has put a value on such security or obligation or each of such securities or obligations, he may, at any time after the lapse of twenty-one days from the date on which the claim has been voted on and before he has been required to convey and assign as aforesaid, correct such valuation by a new oath, and deduct such new value from his debt.

Creditor may correct valuation by new oath.

Mandatories for creditors may vote.

59. The mandatory of any person entitled to vote as a creditor may vote in the absence of such creditor, provided he exhibit a mandate; and the vote of such mandatory shall, within his mandate, be held as the vote of the creditor himself.

Persons acquiring debts after sequestration not to vote.

60. Any person who shall acquire after the date of the sequestration, otherwise than by succession or marriage, a debt due by the bankrupt, and the wife of the bankrupt and any trustee for her shall not be entitled to vote in the election of trustee or commissioners, but in all other respects such person may be ranked as a creditor.

3. Special Rules as to ranking for payment of Dividends.

Valuation of securities with a view to a dividend.

61. To entitle any creditor who holds a security or securities over any part of the estate of the bankrupt to be ranked in order to draw a dividend, he shall on oath put a specified value on such security, or, if required by the trustee, on each such security, and deduct such value or values from his debt, and specify the balance; and the trustee, with consent of the commissioners, shall be entitled to a conveyance or assignation of such security or securities, at the expense of the estate, on payment of the value or values so specified out of the first of the common fund, or to reserve to such creditor the full benefit of such security or securities; and in either case the creditor shall be ranked for and receive a dividend on the said balance, and no more, without prejudice to the amount of his debt in other respects: Provided that, if a co-obligant with or cautioner for the bankrupt is liable to the creditor and holds a security over any part of the estate of the bankrupt, such co-obligant or cautioner shall account for the security to the trustee as if he had paid the debt to the creditor and thereafter ranked on the sequestrated estate under deduction of the value of such security.

Value of claim against a company to be deducted from claim against partners.

62. When a creditor claims on the estate of the partner of a company in respect of a debt due by such company, the trustee on the estate of such partner shall, before ranking such creditor, put a valuation on the estate of the company, and deduct from the claim of such creditor such estimated value, and rank and pay to him a dividend only on the balance.

Election and Removal or Resignation of Trustee.

Appointment of meeting to elect a trustee.

63. The Lord Ordinary or the sheriff, by the deliverance which awards the sequestration, shall appoint a meeting of the creditors, to be held at a specified hour on a specified day, being not earlier than six nor later than twelve days from the date of the appearance in the Gazette of the notice of the award of sequestration, at a convenient place within the county of the sheriff awarding sequestration, or to whom the sequestration is remitted, to elect a trustee or trustees in succession, and do the other acts hereinafter provided.

Procedure of meeting for election of trustee.

64. Creditors or their mandatories, qualified as aforesaid, shall assemble at the time and place fixed for the election of trustee, with power to adjourn for such reasonable time as may seem fit, provided such adjournment do not postpone the meeting for the election of trustee beyond the limit of the period within which that meeting is by this Act appointed to be held; and if two or more creditors shall give notice to the sheriff of the county, such sheriff shall attend the meeting and adjourned meetings, and preside; and the sheriff clerk or his depute shall also attend, and mark the oaths and productions with his initials, and write the minutes in the presence of the meeting, and enter therein the names and designations of the creditors present, or of the mandatories of creditors, and the amount for which they claim, and any other circumstances which the presiding sheriff shall judge fit, which minutes the presiding sheriff shall sign; and the clerk shall retain the oaths of the several claimants, subject to the exhibition thereof in his hands, till the election shall be determined, when he shall deliver the same to the trustee; and when the sheriff is not present the creditors shall elect a preses and (if the sheriff clerk or a depute be not present) a clerk; and the preses shall mark the oaths and productions with his initials, and sign the minutes; and the clerk shall, in the presence of the meeting, write the minutes, and enter therein the names and designations of the creditors or mandatories, and the amount for which they claim, and any other circumstances relating to the said meeting which the preses shall judge fit, which minutes the preses shall sign; and the creditors or their mandatories who have produced their oaths and documents of debt, and who have been entered in the minutes, shall then and there elect a fit person to be trustee, or two or more trustees, to act in succession, in case of non-acceptance, death, resignation, removal, or disqualification, and, in the case of the sequestration of the estates of a company and of the partners, one trustee for all the estates, or separate trustees on the estates of the company and on the estates of all or each of the individual partners or trustees in succession as aforesaid; and it shall not be lawful to elect as trustee the bankrupt, or any person conjunct or confident with the bankrupt, or who hold an interest opposed to the general interest of the creditors,

or whose residence is not within the jurisdiction of the court of session.

Judgment of sheriff as to trustee.

65. If the sheriff be present at the election of trustee, and there be no competition for the office, or objection stated to the candidate or candidates, he shall, by a deliverance on the minutes, declare the person chosen by the creditors to be trustee, and, if there be competition or objections to the candidate or candidates, such objections to the votes or candidates shall be stated at the meeting, and the sheriff may either forthwith decide thereon, or make avizandum, and he shall, if necessary, make a short note of the objections and of the answers, on which he shall, within four days after the meeting, hear parties vivâ voce, and declare the person or persons trustee or trustees in succession whom he shall find to have been duly elected, and state the grounds of his decision in a note, and the same, as well as such short note, shall form part of the process.

When sheriff not present.

66. When the preses has been elected by the creditors, such preses (whether there be any competition or objection or not) shall forthwith report the proceedings to the sheriff; and the oaths of the several claimants shall, if the sheriff clerk or his depute be present, remain in his possession, or, if he be not present, shall be transmitted to the sheriff clerk by the preses, to be retained by him till the trustee shall be finally appointed, when he shall deliver the same to the trustee; and, if there be no competition or objection, the sheriff shall declare the person or persons elected trustee or trustees in succession; and, if there be competition or objection, the parties shall, within four days from the date of the said meeting, lodge in the hands of the sheriff clerk short notes of objections, and the sheriff shall forthwith hear parties thereon vivâ voce, and give his decision, and state the grounds thereof in a note, which note, as well as such short notes, shall form part of the process.

Judgment of sheriff as to trustee final.

67. The judgment of the sheriff declaring the person or persons elected to be trustee or trustees in succession, shall be given with the least possible delay; and such judgment shall be final, and in no case subject to review in any court or in any manner whatever.

Expenses of competition for office of trustee.

68. No part of the expense of any competition for the office of trustee shall be paid out of the estate, but all such expense shall be paid by the unsuccessful to the successful party.

Caution to be found by trustee.

69. The creditors shall, at the meeting for election of a trustee, fix a sum for which the trustee shall find security for his intromissions and performance of the duties and rules hereby enacted, and shall also decide on the sufficiency of the caution offered; and the person declared to be trustee shall, within seven days of the date of the deliverance declaring his election, lodge with the sheriff clerk a bond of caution, signed by the trustee and his cautioner, in the form of the Schedule C.

hereunto annexed, which bond shall be furnished to him by the sheriff clerk: Provided that nothing hereinbefore contained shall be held or construed to prevent the creditors accepting the bond of a guarantee society in lieu of the bond of caution aforesaid: Provided also that, where such bond is so accepted, the premium payable thereon shall form a charge on the sequestrated estate.

Act and warrant in favour of trustee.

70. On the decision of the sheriff being given, declaring the person elected trustee, and on a bond by the trustee and his cautioner being duly lodged as aforesaid, the sheriff shall confirm his election as trustee, which confirmation shall be final, and not subject to review in any court or in any manner whatever; and the sheriff clerk shall issue an act and warrant in the form of Schedule D. hereunto annexed to the trustee, and shall, within three days thereafter, transmit a copy thereof to the accountant, who shall make an entry of the name and designation of the trustee in the register of sequestrations, and such act and warrant shall be an effectual title to the trustee to perform the duties hereby imposed on him, and shall be evidence of his right and title to the sequestrated estate, for the purposes of this Act; and a copy of such act and warrant in favour of the trustee, purporting to be certified by the sheriff clerk, and to be authenticated by one of the judges of the court of session, shall be received in all courts and places within England, Ireland, and His Majesty's other dominions as primâ facie evidence of the title of the trustee, without proof of the authenticity of the signatures or of the official character of the persons signing, and shall entitle the trustee to recover any property belonging or debt due to the bankrupt, and to maintain actions, in the same way as the bankrupt might have done if his estate had not been sequestrated.

To be a complete title to him.

Removal or resignation of trustee.

71. A majority in number and value of the creditors, present at any meeting duly called for the purpose, may remove the trustee, or accept of his resignation; and one fourth of the creditors in value may at any time apply by petition to the Lord Ordinary or to the sheriff for removal of the trustee, and the Lord Ordinary or the sheriff shall order such petition to be served on the trustee, and intimated in the Gazette; and, if the Lord Ordinary or the sheriff shall be satisfied that sufficient reason has been shown, he shall remove the trustee, and appoint a meeting of the creditors to be held for devolving the estate on the trustee next in succession, or electing a new trustee; and, if the trustee shall have been discharged, die, resign, or be removed, or remain at any one time for three months furth of Scotland, any commissioner, or any creditor ranked or claiming and entitled to be ranked on the estate, may apply to the Lord Ordinary or the sheriff for an order to hold a meeting for devolving the estate on the trustee next in succession, or electing a new trustee; and the Lord Ordinary or the sheriff shall grant warrant to hold such meeting at a certain time

Election of a new trustee.

and place, which shall be advertised in the Gazette by the commissioner or creditor so applying, and at the time and place so appointed the creditors at such meeting may devolve the estate on the trustee next in succession, or elect a new trustee; and, when the estate is devolved on such trustee, the creditors shall fix the amount for which he shall find security, and on a bond being lodged the sheriff shall confirm him, and an act and warrant shall be issued and recorded in the same way and to the same effect as in the first election of a trustee; and in all cases of a new election of a trustee the procedure shall take place in the like manner as is hereinbefore provided in the case of the first election; and the succeeding or new trustee shall be vested with the powers and perform the duties and be subject to the same rules as are hereinbefore provided, and shall call to account the former trustee, or his heirs or representatives.

ELECTION AND REMOVAL OF COMMISSIONERS.

Election of commissioners.

72. At the meeting for election of a trustee the creditors present or their mandatories shall, after the election of the trustee, elect three commissioners (if there be so many creditors who have claimed), who shall be either creditors or mandatories of creditors, and the like proceedings shall take place in regard to their election as is provided in regard to the election of trustee (except that they shall not be bound to find security); and the sheriff shall decide who are the persons duly elected, and declare their election by a deliverance in the sederunt book, which decision shall be final, and shall entitle them to act without further confirmation, and a majority of them shall be a quorum: Provided that no person shall be eligible as a commissioner who is disqualified to be a trustee; and any mandatory who has been elected a commissioner shall lose that office, upon written intimation being sent by his constituent to the trustee that he has recalled the mandate, and the trustee shall immediately record the intimation in the sederunt book; and the trustee shall, in all cases where a commissioner has declined to act, died, resigned, or become incapacitated, call a meeting of creditors for the purpose of electing a new commissioner, and such commissioner shall be elected in manner hereinbefore provided.

Removal of commissioners.

73. A majority of the creditors assembled at any meeting duly called for that purpose may remove a commissioner, and may elect another in his place, in manner before directed.

ALLOWANCE TO BANKRUPT.

Allowance to bankrupt.

74. At the meeting for election of a trustee, or at the meeting held after the examination of the bankrupt, or at any meeting called for the purpose, four-fifths in value of the creditors present may authorise payment from time to time to

the bankrupt, or to the partners of a company (if the sequestration be of a company estate) of such sum out of the estate as they shall think proper for sustenance, until the period assigned for payment of the second dividend, but such allowance shall not exceed three pounds three shillings per week to the bankrupt, or to each individual partner of a company, from the date of sequestration to the period aforesaid, and no allowance shall be given if the bankrupt shall not have complied with the provisions of this Act: Provided always that, if it shall at any time be the opinion of a majority of the creditors present at a regular meeting that it is for the interest of the estate that a special allowance should be further made to the bankrupt, and if the accountant shall report in its favour, it shall be competent for the Lord Ordinary or the sheriff, on application by the trustee, with the said concurrence of creditors, and report by the accountant, to award such allowance, which shall then be payable out of the estate.

Duties of Trustee and Commissioners.

Record of abbreviate of his confirmation.

75. The trustee, within ten days after his election is confirmed, shall present an abbreviate, signed by him or his agent, in the form of Schedule E. No. 1, hereunto annexed, to the keeper of the registers of inhibitions and adjudications, who shall forthwith record the same, and write and subscribe a certificate on the said abbreviate in the form specified in the said Schedule E. No. 2; and the like proceeding shall take place within ten days after the election of each new trustee shall be confirmed.

Trustee to take possession of estate and books, and make up inventory.

76. The trustee shall, as soon as may be after his appointment, take possession of the bankrupt's estate and effects, and of his title deeds, books, bills, vouchers, and other papers and documents, and also make up an inventory of such estate and effects, and a valuation showing the estimated value and the annual revenue thereof, and shall forthwith transmit copies of such inventory and valuation to the accountant.

Bankrupt to make up state of his affairs;

77. The bankrupt shall make up, and at the meeting appointed for the election of a trustee, deliver to the clerk of such meeting a state of his affairs, specifying his whole property, wherever situated, the property in expectancy or to which he may have an eventual right, the names and designations of his creditors and debtors, and the debts due by and to him, and a rental of his heritable property, which state and rental shall be subscribed by the bankrupt, and shall then be delivered to the trustee, and the same shall be engrossed in a sederunt book to be kept by the trustee; and the bankrupt shall at all times give every information and assistance necessary to enable the trustee to execute his duty; and, if the bankrupt fail to do so, or to grant any deed which may be requisite for the recovery or disposal of his estate, the trustee may apply to the sheriff to compel him to give such information and assistance, and to

and to give information and grant deeds.

grant such deeds, under the penalty of imprisonment and of forfeiture of the benefit of this Act, and, unless cause be shown to the contrary, the sheriff shall issue a warrant of imprisonment accordingly.

Trustee to recover funds.

78. The trustee shall manage, realise, and recover the estate belonging to the bankrupt, wherever situated, and convert the same into money, according to the directions given by the creditors at any meeting, and, if no such directions are given, he shall do so with the advice of the commissioners: Provided that, in order to the realisation of the interest of the bankrupt in any non-vested, contingent right or interest which under this Act is vested in the trustee, it shall be competent for the trustee to effect an insurance or insurances on the life of the bankrupt, and with that object in view to require the bankrupt to submit himself to a medical examination or examinations, and, if the bankrupt fail to do so, the trustee may apply to the sheriff to compel him so to submit himself as provided in the immediately preceding section; and the trustee shall lodge all money which he shall receive in the course of such management, realisation, and recovery, in such bank as the majority of the creditors in number and value at any general meeting shall appoint, and failing such appointment in any joint stock bank of issue in Scotland (provided that the bank be not one in which the trustee shall be an acting partner, manager, agent, or cashier; and the money shall be lodged in the name of the trustee, in his official character under this Act; and such bank shall, once yearly at least, balance such account.

Secs. 1 and 2.

Penalty on trustee retaining funds.

79. If the trustee shall keep in his hands any sum exceeding fifty pounds belonging to the estate for more than ten days, he shall pay interest to the creditors at the rate of twenty pounds per centum per annum on the excess of such sum above fifty pounds for such time as the same shall be in his hands beyond ten days; and, unless the money has been so kept from innocent causes, the trustee shall be dismissed from his office, upon petition to the Lord Ordinary or sheriff by any creditor, and have no claim to remuneration, and shall be liable in expenses.

Trustee to keep a sederunt book, and send copy of accounts to accountant.

80. The trustee shall keep a sederunt book, in which he shall record all minutes of creditors and of commissioners, states of accounts, reports, and all the proceedings necessary to give a correct view of the management of the estate, and he shall also keep regular accounts of the affairs of the estate, and transmit to the accountant, before each of the periods herein assigned for payment of a dividend, a copy, certified by himself, of such accounts, in so far as not previously transmitted, and such copies shall be preserved in the office of the accountant; the trustees shall also transmit to the accountant copies of all circulars issued by him; the sederunt book and accounts shall be patent to the commissioners and to the creditors or their agents, at all times: Provided always that, when any document

is of a confidential nature (such as the opinion of counsel on any matter affecting the interest of the creditors on the estate), the trustee shall not be bound to insert it in the sederunt book, or to exhibit it to any other person than the commissioners or the accountant.

Duties of commissioners.

81. The commissioners shall superintend the proceedings of the trustee, concur with him in submissions and transactions, give their advice and assistance relative to the management of the estate, decide as to paying or postponing payment of a dividend, and may assemble at any time to ascertain the situation of the bankrupt estate, and any one of them may make such report as he may think proper to a general meeting of the creditors.

Judicial factor, trustee, and commissioners amenable to Lord Ordinary and sheriff.

82. The judicial factor, the trustee, and commissioners shall be amenable to the Lord Ordinary and to the sheriff, although resident beyond the territory of the sheriff, at the instance of any party interested, to account for their intromissions and management, by petition served on them; and, in case it shall appear that such application ought not to have been made, the party complained of shall be entitled to his full expenses, to be either retained out of the funds, or recovered from the party complaining, as the Lord Ordinary or the sheriff shall direct.

Examination of Bankrupt.

Sheriff to name a day for bankrupt's examination.

83. The trustee shall, within eight days after the date of the act and warrant confirming him, apply to the sheriff to name a day for the public examination of the bankrupt, and the sheriff shall issue his warrant for the bankrupt to attend for such examination within the sheriff courthouse on a specified day and at a specified hour, being not sooner than seven days nor later than fourteen days from the date of the sheriff's warrant; and on the sheriff granting such warrant the trustee shall publish an advertisement, in terms of Schedule F hereunto annexed, in the Gazette, and send by post or otherwise special notice to every creditor who has lodged a claim, or who may be named in the bankrupt's state of affairs, intimating his name and designation, his election as trustee, the day, hour, and place fixed for the examination of the bankrupt, and also a specified day, being not sooner than seven days nor later than fourteen days after the day appointed for the examination of the bankrupt, and in the sequestration of the estates of a deceased debtor a meeting of creditors shall be called by the trustee by public advertisement and notice to each creditor, to be held not later than fourteen days after the date of such advertisement, and also the hour and place for holding a second meeting of the creditors, and shall also in the same notice intimate the period within which claims should be lodged.

Sheriff may grant warrant to bring bankrupt for examination.

84. It shall be competent for the sheriff to grant a warrant to apprehend the bankrupt, and bring him before the sheriff for examination; and, if the bankrupt be imprisoned for a debt or other civil obligation within Scotland, the sheriff may grant warrant to magistrates and gaolers, on receiving a duplicate of such warrant, and an acknowledgment for the person of the bankrupt, to deliver him to the officer presenting the same and they shall do so accordingly; which warrant shall be sufficient authority, either within or beyond the territory of the sheriff in Scotland, to messengers-at-arms, and to the officers of the sheriff, to apprehend, transmit, detain, and imprison, and to gaolers to deliver up, receive, and detain, the bankrupt, until his examination is concluded, and also for his re-transmission after examination to the gaol from which he was delivered up, and re-imprisonment therein; and, if the bankrupt cannot be brought from gaol, or cannot be examined by the sheriff there, or is by a lawful cause prevented from attending at the time and place appointed, or is in custody on a criminal charge, or is abroad, the sheriff may grant commission to take the examination; and the sheriff or commissioner may, if he see cause, adjourn the examination of the bankrupt to an early day, to be then fixed; and the sheriff may, on the application of the trustee, order the bankrupt to be examined as often as he shall see fit.

Apprehension and transmission of the bankrupt when out of Scotland.

85. If the bankrupt be in any part of Great Britain and Ireland other than Scotland, the Lord Ordinary may, on petition by the trustee, grant warrant to all judges, magistrates, justices of the peace, and officers of the law, to apprehend and transmit him to the place of his examination, and to enforce the same, which they are hereby required to do; and, if the bankrupt be in prison or in custody, the Lord Ordinary may grant warrant as aforesaid to magistrates and gaolers, upon receiving a duplicate of such warrant and an acknowledgment for the person of the bankrupt, to deliver him to the messenger or officer presenting such warrant, which they shall do accordingly; and such warrant shall be sufficient authority for the apprehension, transmission, detention, and imprisonment of the bankrupt (when necessary for his safe custody), and for his re-transmission after examination to and re-imprisonment in the prison or custody from which he was delivered up.

Examination of bankrupt's wife and others.

86. The sheriff may, at any time, on the application of the trustee, order an examination of the bankrupt's wife and family, clerks, servants, factors, law agents, and others, who can give information relative to his estate, on oath, and issue his warrant requiring such persons to appear; and, if they refuse or neglect to appear, when duly summoned, the sheriff may issue another warrant to apprehend the person so failing to appear: Provided that, when such person is not the bankrupt, nor his wife, nor one of his family, nor his clerk or servant, no warrant for apprehension shall be issued until the expiration of eight days from the

service of the first warrant, unless the trustee shall, on oath, specify a reasonable cause of belief that such person intends to leave the country to avoid the examination, in which case the sheriff may forthwith issue such warrant; which several warrants shall be sufficient to authorise messengers-at-arms, or the officers of the sheriff, to execute the same, either within or without the territory of the sheriff in Scotland as aforesaid; and, if any person liable to be examined cannot attend, the sheriff may grant commission to take his examination; and such examination, whether by the sheriff or by a commissioner, may be adjourned, if it shall seem fit, to an early date, to be then fixed: Provided that persons, other than the bankrupt, summoned to attend for examination shall be entitled to such allowances as witnesses are in other cases entitled to, and the amount of which, if disputed, shall be fixed by the sheriff.

Bankrupt and others must answer lawful questions, and produce documents.

87. The bankrupt and such other persons shall answer all lawful questions relating to the affairs of the bankrupt; and the sheriff may order such persons to produce for inspection any books of account, papers, deeds, writings, or other documents in their custody relative to the bankrupt's affairs, and cause the same, or copies thereof, to be delivered to the trustee.

Mode of examination.

88. The examination of the bankrupt, and of such other persons, shall be taken upon oath, and shall, except in the cases already specified, wherein a commission is allowed to be granted, take place before the sheriff; and such examination shall be taken down in the manner prescribed by the Sheriff Courts (Scotland) Act, 1907, and Rule 65 of the First Schedule to that Act shall apply accordingly; provided that the examination of the bankrupt shall in every case be authenticated in the ordinary way as a regular deposition, but that the examination of such other persons shall only be so authenticated if, in the opinion of the sheriff, such authentication is necessary: Provided also that, if the trustee shall make application to that effect, the examination of the bankrupt and such other persons shall take place in open court.

7 Edw. 7. c. 51.

Penalty on refusal to answer, &c.

89. If the bankrupt or any of such other persons shall refuse to be sworn, or to answer, to the satisfaction of the sheriff, any lawful question put to him by the sheriff or trustee, or by any creditor with the sanction of the sheriff, or without lawful cause shall refuse to sign his examination, or to produce books, deeds, or other documents in his custody or power relating to the estate, the sheriff may grant warrant to commit him to prison, there to remain until he comply with the order, which warrant shall specify the question and answer, book, deed, document, or the refusal to swear or to sign the examination; and such warrant shall not be subject to the review of the Court of Session, but the bankrupt or person imprisoned may apply by written petition (without argument) to the Lord Ordinary for a recall of the warrant, and the Lord Ordinary shall order the

petition to be served on the trustee or the creditor and shall thereafter hear parties vivâ voce, and pronounce judgment.

Penalty on latent partner of bankrupt company not coming forward.

90. If any latent partner of a company whose estates have been sequestrated shall not, by intimation to the trustee, acknowledge that he is a partner, on or before the day appointed for the examination of the known partners, he shall not be entitled to the benefits or privileges of this Act, unless in an application for the same he shall satisfy the Lord Ordinary or the sheriff that the omission proceeded from innocent mistake, or ignorance of the proceedings, or reasonable misconception as to his liability as a partner, and unless he shall then follow out all necessary steps for remedying as far as possible the loss and inconvenience thence arising.

Bankrupt may correct his state, and then must take oath inserted in this Act.

91. The bankrupt, before the close of his examination, may make such additions to or alterations upon the state of his affairs as may have occurred to him to be necessary to give a full view of his affairs, which state, with the additions and alterations, shall be subscribed by the sheriff and the bankrupt; and the bankrupt shall then take the following oath, which shall be engrossed in the sederunt book, and subscribed as aforesaid, as relative to such state; and when the bankrupt is a partner with others, and examined respecting the affairs of the partnership, the words of the oath shall so far be varied as to make it applicable to the case:

Oath.

"I DO, in the presence of Almighty God, and as I shall "answer to God at the great Day of Judgment, solemnly "swear, that the state of my affairs subscribed by me as relative "hereto contains a full and true account, to the best of my "knowledge and belief, of all the debts, of whatever nature, "due to me, and of all my estate and effects, heritable and "moveable, real and personal, wherever situated (the necessary "wearing apparel of myself, my wife, and family, only excepted), "as well as of all claims which I am entitled to make against "any person or persons whatsoever, and of all estate in "expectancy, or means, of whatever kind, to which I have an "eventual right by contract of marriage, trust deed, settlement, "deed of entail, or otherwise; and that the said state likewise "contains a full and true account of all debts due by me or "demands upon me; and that I have delivered up the whole "books, documents, accounts, title deeds, and papers of every "kind belonging to me which in any way relate to my affairs, "and which were or are in my possession or under my power; "and that I have made a full disclosure of every particular "relating to my affairs: And, further, I promise and swear, that "I will forthwith reveal all and every other circumstance or "particular relative to my affairs which may hereafter come to "my knowledge, and which may tend to increase or diminish "the estate in which my creditors may be interested, directly "or indirectly."

Powers of Second and Subsequent Meetings of Creditors.

Report by trustee after bankrupt's examination.

92. Prior to the meeting of creditors after the examination of the bankrupt, or, in the case of a deceased debtor, prior to the first meeting after the election of the trustee, the trustee shall prepare a report setting forth the state of the bankrupt's affairs, and an estimate of what the estate may produce, which report he shall exhibit at the meeting of creditors, and give all explanations relative thereto; and the creditors assembled at such meeting may receive an offer of composition, as hereinafter provided, and may, either at this or any other meeting, give directions for the recovery, management, and disposal of the estate; and, when any part of the estate consists of land or other heritable property, it shall be optional to the creditors to determine whether the trustee is to bring such property to judicial sale, or to dispose thereof by voluntary public sale, or by private sale, as hereinafter provided.

Powers of creditors over estate.

Calling of and Procedure at Meetings.

When meetings to be called.

93. The trustee, or any commissioner with notice to the trustee, may at any time call a meeting of the creditors, and the trustee shall call such meeting, when required by one-fourth in value of the creditors ranked on the estate, or by the accountant.

Notice of meetings.

94. Notice of the day, hour, place, and purpose of all meetings of creditors under this Act shall be advertised in the Gazette seven days at least before the day of the meeting, and such meeting may be adjourned to the following day.

No notice to be sent in certain cases.

95. It shall not in any case be necessary to send any notification of the day or place of meetings by post to any creditor whose debt shall be under twenty pounds, unless such creditor shall have given directions in writing that such notification shall be sent; and no notification shall be sent to any creditor who has directed that none shall be sent.

Rules as to computing majorities.

96. All questions at any meeting of creditors shall be determined by the majority in value of those present and entitled to vote, unless in the cases herein otherwise provided for; and when, for the purpose of voting, assenting or dissenting, the creditors are required to be counted in number, no creditor whose debt is under twenty pounds shall be reckoned in number, but his debt shall be computed in value.

Extent of Trustee's Right.

Vesting of estate in trustee.

97. The act and warrant of confirmation in favour of the trustee shall ipso jure transfer to and vest in him or any succeeding trustee, for behoof of the creditors, absolutely and irredeemably, as at the date of the sequestration, with all right, title, and interest, the whole property of the debtor, to the effect following:—

Vesting of moveable estate.

(1) The moveable estate and effects of the bankrupt, wherever situated, so far as attachable for debt, or

capable of voluntary alienation by the bankrupt, to the same effect as if actual delivery or possession had been obtained, or intimation made at that date, subject always to such preferable securities as existed at the date of the sequestration, and are not null or reducible:

Vesting of heritable estate in Scotland.

(2) The whole heritable estate belonging to the bankrupt in Scotland, to the same effect as if a decree of adjudication in implement of sale, as well as a decree of adjudication for payment and in security of debt, subject to no legal reversion, had been pronounced in favour of the trustee, and recorded at the date of the sequestration, and as if a poinding of the ground had then been executed, subject always to such preferable securities as existed at the date of the sequestration, and are not null and reducible, and the creditors' right to poind the ground, as hereinafter provided; and the right of the trustee shall not be challengeable on the ground of any prior inhibition (saving the effect which such inhibition may be entitled to in the ranking of the creditors): Provided always that such transfer and vesting of the heritable estate shall have no effect upon the rights of the superior, nor upon any question of succession between the heir and executor of any creditor claiming on the sequestrated estate, nor upon the rights of the creditors of the ancestor (except that the act and warrant of confirmation shall operate in their favour as complete diligence); and, if any part of the bankrupt's estate be held under an entail or by a title otherwise limited, the right vested in the trustee shall be effectual only to the extent of the interest in the estate which the bankrupt might legally convey, or the creditors attach:

Vesting of real estates in England, Ireland, and other British dominions.

(3) All real estate situated in England, Ireland, or in any of His Majesty's dominions, belonging to the bankrupt, and all interest in or regarding such real estate, which the bankrupt held, or to which he was entitled, to the same extent as would have happened if the bankrupt had been adjudicated bankrupt in England or Ireland, or in any of His Majesty's dominions respectively: Provided always that as regards all freehold, copyhold, and leasehold estate in England, Ireland, or any of His Majesty's dominions (except Scotland), the Act and warrant of confirmation shall be registered in the chief court of bankruptcy for the country in which the property is situated, in the like manner as an adjudication of bankruptcy or other similar process ought to be registered according to the law of that country, either in a separate book,

or in the general book, as the court of bankruptcy shall order, to the intent that all persons concerned may have the same means of ascertaining whether any person has been adjudged a bankrupt according to the law of Scotland as they have or shall have of ascertaining whether any person has been adjudged a bankrupt according to the law for the time being of the country in which the property is situated; and no purchaser for valuable consideration of any freehold, copyhold, or leasehold estate (except in Scotland) shall be affected by any such bankruptcy until the act and warrant of confirmation shall have been so registered as aforesaid: Provided also that, where, according to the laws of England, Ireland, or other His Majesty's dominions, any deed or conveyance would require registration, enrolment, or recording, the act and warrant of confirmation shall be so registered, enrolled, or recorded according to the laws of England, Ireland, or other His Majesty's dominions; and, if any purchase is made by any person for valuable consideration, and without notice of the sequestration, prior to the registration, enrolment, or recording of the said act and warrant of confirmation, such purchase shall not be invalidated by the existence of such act and warrant, or the subsequent registration, enrolment, or recording thereof:

(4) Any non-vested contingent right of succession or interest in property conceived in favour of the bankrupt under the will or settlement of any person deceased, or under marriage contract, or under any other deed, instrument, or writing of an irrevocable nature, to the same effect as if an assignation of such right or interest had been executed by the bankrupt and intimation thereof made at the date of the sequestration, subject always to such preferable securities as existed at that date and are not null or reducible.

Acquisition of bankrupt after the sequestration to belong to the creditors. Alimentary provisions.

98.—(1) If any estate, wherever situated, shall, after the date of the sequestration, and before the bankrupt has obtained his discharge, be acquired by him, or descend or revert or come to him, the same shall ipso jure fall under the sequestration, and the full right and interest accruing thereon to the bankrupt shall be held as transferred to and vested in the trustee, as at the date of the acquisition thereof or succession, for the purposes of this Act; and the trustee shall, on coming to the knowledge of the fact, present a petition setting forth the circumstance to the Lord Ordinary or the sheriff, who shall appoint intimation, to be made in the Gazette, and require all concerned to appear within a certain time for their interest; and after the expiration of such time, and no cause being shown

to the contrary, the Lord Ordinary or the sheriff shall declare all right and interest in such estate which belongs to the bankrupt to be vested in the trustee, as at the date of the acquisition thereof or succession thereto, to the same effect as is hereinbefore enacted in regard to the other estates; and the proceeds thereof, when sold, shall be divided in terms of this Act; and, if the bankrupt do not immediately notify to the trustee that such estate has been acquired, or has come to him as aforesaid, he shall forfeit all the benefits of this Act, and it shall be competent to the trustee to examine him as aforesaid in relation thereto: Provided always that the rights of the creditors of the person from whom such estate shall come or descend to the bankrupt shall be reserved entire.

(2) Where the bankrupt is in right of an alimentary provision, it shall be competent to the Lord Ordinary, or the sheriff, upon a petition by the trustee, to determine whether the amount of such provision is in excess of a suitable aliment to the bankrupt, in view of his existing circumstances, and, if he shall determine that it is, to fix the amount of the excess, and to order the same to be paid to the trustee as part of the property of the bankrupt falling under the sequestration: Provided that it shall be competent to the Lord Ordinary or the sheriff, respectively, at any time thereafter, on the application of the trustee or of the bankrupt, to reconsider and to alter such order as he may deem fitting in the event of any change of circumstances which may make such alteration proper.

Subjects improperly included in sequestration may be struck out.

99. Any person claiming right to any estate included in the sequestration may present a petition to the Lord Ordinary, or to the sheriff, praying to have such estate taken out of the sequestration, and the Lord Ordinary, or the sheriff, shall order the trustee to answer within a certain time, and on expiration of such time he shall proceed to dispose of the application.

Trustee may complete feudal titles or grant such rights as bankrupt could do.

100. The bankrupt shall, if required, grant all deeds necessary for recovering his property and feudally vesting his heritable estate in the trustee for the purposes of this Act; and, if the bankrupt's title to any estate has not been completed, the trustee may complete titles in his own person, whom failing, in favour of any trustee who may succeed him, for behoof of the creditors, or in the person of the bankrupt: Provided that such completion of title in the person of the bankrupt shall not have the effect of validating accretione unperfected rights in favour of any person other than the trustee in any such estate flowing from the bankrupt, and the trustee may, without making up a feudal title in his person, and without concurrence of the bankrupt, grant such conveyances of the heritable estate belonging to the bankrupt as the bankrupt might competently have granted, which conveyances shall be as effectual to the purchaser as if they had been granted by the bankrupt with concurrence of the trustee, and shall not be affected by any

inhibition against the bankrupt, reserving the effect of such inhibition in the ranking.

Trustee may get property transferred to him, although the heir of the bankrupt has made up titles.

101. When sequestration is awarded against the estate of a person after his death, and his successor has made up a title to his heritable estate, the trustee may apply by petition to the Lord Ordinary or the sheriff, praying that such estate shall be transferred to and vested in him, and the Lord Ordinary or the sheriff shall order the petition to be served upon such successor, and require him to answer the same within fourteen days; and an abbreviate of such petition and deliverance, in terms of the Schedule A. No. 3 hereunto annexed, being recorded in the registers of inhibitions and adjudications, shall have the effect of an inhibition and of a citation in an adjudication of the estate, and the keeper of the registers shall write on the said abbreviate a certificate in terms of the said Schedule A. No. 2; and, if on expiration of that period no cause is shown to the contrary, the Lord Ordinary or the sheriff shall declare such estate to be transferred to and vested in the trustee, as at the date of the sequestration, to the same effect as is hereinbefore provided in regard to the act and warrant of confirmation; and the trustee shall, within eight days thereafter, cause an abbreviate of such petition and deliverance to be recorded in the registers of inhibitions and adjudications, in terms of the Schedule E. No. 3 hereunto annexed, and the keeper of the said register shall write on such abbreviate a certificate in terms of the said Schedule E. No. 2.

Decree to be recorded in the register of adjudications.

Trustees' powers in relation to copyright.

102. Where the property of a bankrupt comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee shall not be entitled to sell, or authorise the sale of any copies of the work, or to perform or authorise the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt, nor shall he without the consent of the author or of the court be entitled to assign the right, or transfer the interest, or to grant any interest in the right by licence, except upon terms which will secure to the author payments by way of royalty or share of profits at a rate not less than that which the bankrupt was liable to pay.

Effect of Sequestration on ranking of Creditors.

Sequestration equivalent to an adjudication in competition.

103. The sequestration shall, as at the date thereof, be equivalent to a decree of adjudication of the heritable estates of the bankrupt for payment of the whole debts of the bankrupt, principal and interest, accumulated at the said date, and, when the sequestration is dated within year and day of any effectual adjudication, the estate shall be disposed of under the sequestration according to the provisions of this Act: Provided that

nothing herein contained shall affect the rights of any heritable creditor holding a power of sale preferable to the powers of the trustee.

And to arrestment and poinding.

Diligence on or after sixtieth day before sequestration, or after it, ineffectual.

Expenses of diligence.

104. The sequestration shall, at the date thereof, be equivalent to an arrestment in execution and decree of forthcoming, and to an executed or completed poinding; and no arrestment or poinding executed of the funds or effects of the bankrupt on or after the sixtieth day prior to the sequestration shall be effectual; and such funds or effects, or the proceeds of such effects, if sold, shall be made forthcoming to the trustee: Provided that any arrester or poinder before the date of the sequestration who shall be thus deprived of the benefit of his diligence shall have preference out of such funds or effects for the expense bonâ fide incurred by him in procuring the warrant for and executing such diligence.

Interruption of prescription.

105. The presenting of or concurring in a petition for sequestration, or the lodging a claim in the hands of the trustee, or the sheriff, or preses at any meeting of creditors, shall interrupt prescription of the debt of the creditor so petitioning, concurring, or claiming, and in regard to such debt shall bar the effect of any statute of limitations in England or Ireland, or other His Majesty's dominions, and although this sequestration shall be recalled, such interruption or bar shall, notwithstanding, be effectual.

Preferences in case of a deceased debtor.

106. When the sequestration of the estates of a deceased debtor is dated within seven months after his death, any preference or security for any prior debt acquired by legal diligence on or after the sixtieth day before his death, or subsequent to his death, and any preference or security acquired for a prior debt by any act or deed of the debtor which has not been lawfully completed for a period of more than sixty days before his death, and any confirmation as executor-creditor after the debtor's death, shall, in these several cases, be of no effect in competition with the trustee; and the estates and effects over which such preferences or securities shall have been obtained, or of which confirmation shall have been expede, shall belong to the trustee: Provided that the creditor who is so deprived of the benefit of his diligence or confirmation shall have preference for payment out of the said estates or effects of the expenses bonâ fide incurred by him in such diligence or confirmation.

Acts and payments by bankrupt after sequestration null, except in certain cases.

107. All payments and preferences or securities obtained by or granted to prior creditors, and all acts done or deeds granted by the bankrupt after the date of the sequestration and before his discharge out of or in relation to the estate (unless with the consent of the trustee), shall, in the event of sequestration being awarded, be null and void; and the trustee shall be entitled to such preference or security, and to any money so paid, deducting any expense bonâ fide incurred; but if a bonâ fide purchaser is in possession of moveable effects received from the bankrupt

after sequestration, but in ignorance thereof, and when ignorant thereof for a price paid, or which he is ready to pay, he shall not be obliged to restore the effects; and if a debtor, in ignorance of the sequestration, have paid his debt bonâ fide to the bankrupt, he shall not be obliged to pay it a second time to the trustee; and if the possessor of any bill or promissory note, which is payable by the bankrupt, with recourse on other parties, or of a security for a debt due by the bankrupt, shall have received payment of his debt from the bankrupt in ignorance of the sequestration, and given up such bill, promissory note, or security to the bankrupt, such person shall not be liable to repay to the trustee the amount so received, unless the trustee shall replace him in the situation in which he stood, or reimburse him for any loss or damage.

Realisation of Heritable Estate.

Sale of heritable estate by creditor.

108. A creditor holding a security over the heritable estate of the bankrupt, preferable to the right of the trustee, with a power to sell, may sell, in terms of his security, notwithstanding the sequestration, and it shall be competent to the trustee to concur therein in order to fortify the title; and the trustee or any posterior heritable creditor preferable to him may, by petition to the Lord Ordinary or to the sheriff, compel the said creditor and the purchaser to account for any reversion of the price.

Sale by trustee with concurrence of heritable creditors.

Discharge of burdens on sale.

109. If a creditor holding an heritable security, with a power to sell, concur with the trustee in bringing the estate to sale, the trustee shall sell the same in his own name, and the articles of roup and conveyance to the purchaser shall be executed by the trustee, with consent of such creditor and the commissioners; and the price shall be paid by the purchaser to the parties legally entitled thereto, and, in so far as not paid at the time of the delivery of the conveyance, it shall be consigned in the bank in which the money of the sequestrated estate is deposited; which payment or consignation of the price shall free and discharge the estate sold and the purchaser from the security of the consenting creditor, whether the debt in such security be satisfied or not, and from all securities postponed to the security of such creditor.

Sale by trustee alone.

110. If the creditors, at the meeting held after the examination of the bankrupt, or at any other meeting called for the purpose, resolve that the trustee shall dispose of the heritable estate by public sale or bring it to judicial sale, and if such resolution has been made before an heritable creditor having a power of sale shall have commenced proceedings for sale, or if such proceedings, after being commenced prior to the date of such resolution, have thereafter been unduly delayed, such creditor shall not be entitled to interfere with the sale by the trustee; and, if a public sale of the heritable estate be resolved on, such sale shall be made by auction at the upset price and in

the manner which shall be fixed by the trustee, with consent of the Commissioners: Provided always that the estate shall not be sold for less than the upset price, and that such upset price shall not be less than sufficient to pay the debt, principal, interest, and expenses of the heritable creditor.

Trustee may with approval of accountant sell by private bargain.

111. It shall be competent for the trustee, with concurrence of a majority of the creditors in number and value, and of the heritable creditors, if any, and of the accountant, to sell the heritable estate by private bargain, on such terms and conditions regarding price and otherwise, as the trustee with concurrence of those parties, may fix; and the concurrence of the accountant shall be conclusive evidence that the concurrence of the requisite majority of creditors has been obtained.

Trustee to make up a scheme of ranking and division of price.

112. It shall be the duty of the trustee to make up a scheme of ranking and division of the claims of the heritable creditors and other creditors on the price of the heritable estate sold; and such scheme of ranking and division shall be reported by him to the Lord Ordinary or the sheriff, and the judgment thereon shall be a warrant for payment out of the price against the purchaser of the heritable estate.

Court may grant interim warrant for payment out of price.

113. It shall be competent for the Lord Ordinary or the sheriff, on application by the trustee or any creditor interested, with a report thereon by the accountant, and on cause shown, to grant an interim warrant for payment of preferable claims out of the price of the estate, or to authorise an interim scheme of division out of the price, which scheme of division shall be disposed of as the scheme of division already provided for.

Heritable creditor's right to poind the ground limited.

114. No poinding of the ground which has not been carried into execution by sale of the effects sixty days before the date of the sequestration, shall (except to the extent herein-after provided) be available in any question with the trustee; and this section shall apply to all poindings of the ground by which moveables forming part of or belonging to a bankrupt estate, whether administered in Scotland or furth thereof, are sought to be attached or affected, and that whether the debts or securities in respect of which such poindings of the ground shall be brought shall have been constituted or granted by the bankrupt, or by any ancestor or predecessor of the bankrupt, or by any other person: Provided that no creditor who holds a security over the heritable estate preferable to the right of the trustee shall be prevented from executing a poinding of the ground after the sequestration, but such poinding shall, in competition with the trustee, be available only for the interest on the debt for the current half-yearly term, and for the arrears of interest for one year immediately before the commencement of such term.

Landlord's hypothec saved.

115. Nothing in this Act contained shall affect the landlord's right of hypothec.

Creditors may purchase.

116. When any estate is sold publicly by virtue of this Act, it shall be lawful for any creditor to purchase the same; but the trustee or commissioners, or any law agent employed by the trustee in connection with the sequestration, or any partner of such law agent shall not be entitled to purchase.

Payment of Dividends.

Realised estate to be a fund of division.

117. The whole estate, when reduced into money, shall, unless otherwise provided in this Act, after paying all necessary charges and a commission to the trustee, be divided among those who were creditors of the bankrupt at the date of the sequestration, ranked according to their several rights and interests.

Preferential payments.

118.—(1) In the division of a bankrupt's estate under the provisions of this Act the following shall be paid in priority to all other debts:—

(*a*) All poor or other local rates due by the bankrupt at the date herein-after mentioned, and having become due and payable within twelve months next before that date, and all assessed taxes, land tax, property or income tax assessed on the bankrupt up to the fifth day of April next before the said date, and not exceeding in the whole one year's assessment;

(*b*) All wages or salary of any clerk or servant in respect of service rendered to the bankrupt during four months before the said date not exceeding fifty pounds to any one clerk or servant;

(*c*) All wages of any workman or labourer not exceeding twenty-five pounds to any one workman or labourer, whether payable for time or for piece work, in respect of services rendered to the bankrupt during two months before the said date. Provided that, where any labourer in husbandry has entered into a contract for the payment to him of a portion of his wages in a lump sum, the priority under this section shall extend to the whole of such sum or a part thereof as the court may decide to be due under the contract proportionate to the time of service up to the said date;

(*d*) All sums (not exceeding in any individual case one hundred pounds) due in respect of compensation under the Workmen's Compensation Act, 1906, the liability wherefor accrued before the said date, subject nevertheless to the provisions of section five of that Act; and 6 Edw. 7. c. 58.

(*e*) All contributions payable under the National Insurance Act, 1911, by the bankrupt in respect of employed contributors or workmen in an insured trade during the four months before the said date. 1 & 2 Geo. 5. c. 55.

(2) The foregoing debts shall rank equally among themselves and shall be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions.

(3) The trustee may, with the consent of the commissioners, dispense with the necessity for lodging oaths relative to the foregoing debts, and with the like consent may pay such debts before the period for payment of the first dividend.

(4) The date hereinbefore referred to in this section is the date of the award of sequestration, and, in the case of the sequestration of the estates of a deceased debtor, the date of his death, and, where sequestration has not been awarded, the date of the concourse of diligence for distribution of the estate of a party being notour bankrupt.

59 & 60 Vict. c. 25.

(5) Nothing in this section shall affect the provisions of the Friendly Societies Act, 1896, or the preference attaching at common law to death-bed and funeral expenses.

51 & 52 Vict. c. 62.

38 & 39 Vict. c. 26.

(6) The Preferential Payments in Bankruptcy Act, 1888, shall not apply to Scotland, and references to the said Act, or to section three of the Bankruptcy (Scotland) Act, 1875, in any Act of Parliament, as regards Scotland shall be read and construed as references to this section.

Creditor to produce oath, &c. two months before payment of first dividend, and one month before subsequent dividends.

119. To entitle any creditor to payment of the first dividend, he shall produce as is herein-before directed his oath and grounds of debt at least two months before the time fixed for payment of the first dividend, when such time of payment shall not have been accelerated, or one month before the time fixed for payment of the first dividend where such time shall have been accelerated; and, to entitle any creditor to payment of any of the subsequent dividends, he shall produce as aforesaid his oath and grounds of debt at least two months before the time fixed for payment of the dividend which he means to claim; provided that, if a creditor has not produced his oath and grounds of debt in time to share in the first dividend, but has done so in time to share in the second dividend, he shall be entitled, on occasion of payment of the second dividend, to receive out of the first of the fund (if there be sufficient for that purpose) an equalising dividend corresponding to the dividend he would have drawn if he had claimed in time for the first dividend; and the same rule shall apply as to all subsequent dividends.

Creditors resident abroad may lodge oath at later periods.

120. When any creditor not resident within Great Britain or Ireland at the date of the deliverance awarding sequestration, or at any time within five months thereafter, shall lodge his oath and grounds of debt fourteen days previous to any time fixed for payment of a dividend, though not in time to entitle such creditor to participate in such dividend, the trustee shall make such deduction from the divisible fund as shall be equal to the dividend which would have been payable to such creditor had his oath and grounds of debt been timeously lodged and his claim been sustained; and the sum so deducted shall form part

of the fund for division on the occasion of payment of the next dividend.

Trustee to make up and exhibit to commissioners state of funds.

121. Immediately on the expiration of four months from the date of the deliverance actually awarding sequestration, unless the dividend is accelerated as herein-after provided, the trustee shall proceed to make up a state of the whole estate of the bankrupt, of the funds recovered by him, and of the property outstanding (specifying the cause why it has not been recovered), and also an account of his intromissions, and generally of his management; and within fourteen days after the expiration of the said four months the commissioners shall meet and examine such state and account and ascertain whether the trustee has lodged the moneys recovered by him in bank or not, and, if he has failed to do so, they shall debit him with the sum at the rate of twenty pounds per annum on every hundred pounds not so lodged, and so after that rate on any larger or smaller sum, being not less than fifty pounds; and they shall audit his accounts, and settle the amount of his commission or fee, and authorise him to take credit for such commission or fee in his accounts with the estate; and they shall certify, by a writing under their hands engrossed or copied in the sederunt book, the balance due to or by the trustee in his account with the estate as at the expiration of the said four months; and they shall declare whether any and what part of the net produce of the estate, after making a reasonable deduction for future contingencies, shall be divided among the creditors.

Commissioners to resolve as to payment of dividend, &c.

Trustee's commission to have approval of accountant.

122. Every trustee appointed under this Act shall intimate by circular to every creditor upon the estates under his charge, and also to the bankrupt, the deliverance of the commissioners fixing a commission or fee to be allowed to such trustee, and every such trustee, and also every creditor and the bankrupt, shall be entitled to appeal to the accountant against any such deliverance within ten days of the issue of such circular by addressing a note to the accountant stating his objections to such deliverance, and the trustee shall thereupon lay the deliverance of the commissioners and the account to which such deliverance applies before the accountant and such commission or fee shall not be paid to the trustee or entered in his account until the accountant has intimated his approval of the commission or other payments sanctioned by the commissioners. In the event of the accountant not concurring with the commissioners, he shall intimate his objections and the grounds thereof to the trustee or bankrupt or creditor appealing and shall indicate the sum he would suggest, and, in the event of the trustee or bankrupt or creditor or the commissioners not acquiescing in this suggestion, the matter shall be reported forthwith by the accountant to the Lord Ordinary or to the sheriff, whose decision shall be final and, in the event of such appeal, the procedure enacted under sections one hundred and twenty-four, one hundred and twenty-seven, one hundred and twenty-eight, and one

hundred and twenty-nine of this Act shall, in cases to which such sections apply, be postponed till the decision is given in the appeal, and, where the deliverance of the commissioners is altered, the trustee shall give effect to the alteration in his accounts, and the commissioners shall, in such cases, reconsider and declare within eight days after the date of the decision the amount to be divided among the creditors in terms of sections one hundred and twenty-one, one hundred and twenty-seven, one hundred and twenty-eight, and one hundred and twenty-nine of this Act after taking such alteration into account, and the trustee shall, within four days thereafter, and in cases where no alteration is made in the deliverance of the commissioners within eight days from the date of the decision, give the notice in the Gazette and give the notifications to creditors directed by sections one hundred and twenty-four, one hundred and twenty-seven, and one hundred and twenty-nine of this Act.

Trustee to examine and reject or admit claims, and make up list of creditors entitled to payment of dividend;

123. The trustee may, at any time after a claim has been lodged, require further evidence in support thereof, for which purpose he may examine the bankrupt, any creditor, or any other party on oath relative thereto, and, where a dividend is to be paid, he shall, within the fourteen days mentioned in section one hundred and twenty-one of this Act, examine the oaths and grounds of debt, and in writing reject or admit them, or require further evidence in support thereof; and, in case he shall reject any claim, he shall in his deliverance state the grounds of such rejection; and he shall complete the list of the creditors entitled to draw a dividend, specifying the amount of their debts, with interest thereon to the date of the sequestration, and distinguishing whether they are ordinary creditors or preferable or contingent, and he shall make up a separate list of any creditors whose claims he has rejected in whole or in part.

and to publish and send notices of payment of dividend.

124. The trustee shall, within eight days after the expiration of such fourteen days, give notice in the Gazette of the time and place of the payment of the dividend, and also notify the same by letters put into the Post Office on or before the first lawful day after the said fourteen days, addressed to each creditor, in which he shall specify the amount of the claim and proposed dividend thereon, and when he has rejected any claim he shall notify the same to the claimant by letter as aforesaid, which letter shall also contain a copy of his deliverance, and specify the amount of the claim; and a certificate by the trustee or an execution by a messenger or sheriff officer that such letters have been put into the post office shall be sufficient evidence thereof; and, if any creditor be dissatisfied with the decision of the trustee, he may appeal by a short written note to the Lord Ordinary or to the sheriff; but, if no such note be lodged with and marked by the Bill chamber or sheriff clerk (as the case may be) before the expiration of fourteen days from the date of the publication in the Gazette of the said notice, the decision of the trustee shall be final and conclusive

Creditors may appeal within a limited period.

so far as regards that dividend; and, in case the claim have been rejected in whole or in part, such decision shall be without prejudice to any new claim being afterwards made in reference to future dividends, but which new claim shall not disturb prior dividends.

Trustee to make up a scheme of division.

125. The trustee shall, before the expiration of six months from the date of the deliverance actually awarding sequestration, make up a scheme of division of the fund directed by the commissioners to be divided, and apportion the same, according to their respective rights, among those creditors whose claims have been sustained by him or by the Lord Ordinary or sheriff, or who shall have appealed against his decision, and which scheme shall be patent to all concerned, and shall send notice to each creditor of the amount of the dividend to which he may be entitled.

Dividends to be paid, and those disputed or claimed by contingent creditors to be lodged in bank.

126. On the first lawful day after the expiration of six months from the date of the deliverance actually awarding sequestration, and at the place appointed, the trustee shall pay to the creditors the dividends allotted to them respectively in terms of the said scheme; and he shall lodge the dividends apportioned to those claims which are under appeal, but not finally determined, and the dividends effeiring to contingent creditors or other claimants, not then entitled to uplift the same, in the bank appointed by the creditors, or failing such appointment, in any joint stock bank of issue in Scotland in a separate account, or if the money be deposited in the bank, he shall transfer it to a separate account in name of himself and the commissioners, to remain therein until the said appeals be disposed of or the dividends become payable.

Second Dividend.

Trustee to make up state, &c., and commissioners to resolve as in case of first dividend.

127. On the expiration of eight months from the date of the deliverance actually awarding sequestration, the trustee shall again make up a state as hereinbefore provided, which he shall within fourteen days after the expiration of the said eight months exhibit to the commissioners, who shall meet and examine and audit the same, and perform the other acts and duties incumbent on them, in manner before specified, and direct a second dividend to be paid, if there shall be funds to pay the same; and, if the commissioners shall direct a dividend to be paid, the trustee shall also make up lists of the creditors who are entitled and who are not entitled to payment of the dividend, and frame a scheme of division, and notify in the Gazette and by letters, and any creditor may appeal, all as is hereinbefore provided with respect to the first dividend; provided that no appeal by a creditor shall be competent, unless the note of appeal be lodged within fourteen days of the date of notification in the Gazette.

Dividend to be paid.

128. On the first lawful day after the expiration of ten months from the date of the deliverance actually awarding sequestration, the trustee shall make payment of the second

dividend to those creditors who are entitled thereto, and shall lodge the dividend disputed or not then payable, all as hereinbefore provided with respect to the first dividend.

Subsequent Dividend.

Same proceedings as in prior dividends.

129. The procedure hereinbefore prescribed in reference to a second dividend shall be applicable in reference to subsequent dividends so that a dividend may be made on the first lawful day after the expiration of every three months from the day of payment of the immediately preceding dividend, until the whole funds of the bankrupt shall be divided.

Dividends may be accelerated in certain cases.

130. The trustee and commissioners, with the consent of the accountant, may accelerate the payment of any dividend, if it shall be found expedient to do so, provided that the date for payment of the first dividend be not earlier than four months from the date of the deliverance actually awarding sequestration; and, when any such acceleration is made, the trustee and commissioners, with the consent of the accountant, are hereby authorised to make the requisite provision for the acceleration of any other matters which it may be necessary to accelerate in consequence thereof.

Proceedings when commissioners postpone the dividend.

131. If it shall appear to the commissioners that a dividend ought to be postponed, they may do so till the recurrence of another stated period for making a dividend, and they may, if they think fit, authorise the trustee to give a notice to that effect in the next Gazette.

Where estate is chiefly land periods of payment may be altered.

132. In cases where the sequestrated estate consists chiefly of land, and in any other cases where it may be necessary, it shall be competent for the Court of Session or the Lord Ordinary or sheriff, on a special application by the trustee and commissioners, to authorise such alteration in the periods above mentioned for payment of dividends as shall be found most suitable to the circumstances of the case.

Winding up of estate.

133. If on the lapse of twelve months from the date of the deliverance actually awarding sequestration it shall appear to the trustee and commissioners expedient to sell the heritable or moveable estates not disposed of, and any interest which the creditors have in the outstanding debts and consigned dividends, they shall fix a day for holding a meeting of the creditors to take the same into consideration; and the trustee, besides advertising the same in the Gazette, shall, fourteen days before the day appointed, send by post to each creditor claiming on the estate a notice of the time and place of the meeting, with a valuation of the estates and of the outstanding debts and the consigned dividends; and, if three fourths in value of the creditors assembled at the meeting shall decide in favour of a sale, in whole or in lots, the trustee shall cause the estates, debts, and dividends to be sold by auction, after notice thereof published at least one month previous to the sale, once in the

Gazette, and in such other newspapers as the creditors at the meeting shall appoint.

Discharge of Bankrupt.

1. *On Composition.*

Offer of composition may be made at the meeting for election of trustee.

134. At the meeting for election of trustee, the bankrupt or his friends, or, in case of his decease, his successors, and, in case of a company, one or more of the partners thereof, may offer a composition to the creditors on the whole debts, with security for payment of the same; and, if the majority of the creditors in number and three fourths in value present at such meeting shall resolve that the offer and security shall be entertained for consideration, the trustee shall forthwith advertise in the Gazette a notice that an offer of composition has been so made and entertained, and that it will be decided upon at the meeting to be held after the examination of the bankrupt, and shall specify the hour, day, and place, and also transmit by post letters to each of the creditors claiming on the estate, or mentioned in the bankrupt's state of affairs, containing a notice of such resolution, and of the day and hour at which, and the place where, such meeting is to be held, and specifying the offer and security proposed, and giving an abstract of the state of the affairs and of the valuation of the estate, so far as the same can be done, to enable the creditors to judge of such offer and security.

Offer, if entertained, to be disposed of at the meeting after the bankrupt's examination.

135. If at the meeting held after the examination of the bankrupt a majority in number and three fourths in value of the creditors there assembled shall accept such offer and security, a bond of caution for payment of the composition, executed by the bankrupt or his successors, or the partners of a company (as the case may be), and the proposed cautioner, shall be forthwith lodged in the hands of the trustee; and the trustee shall thereupon subscribe and transmit a report of the resolution of the meeting, with the said bond, to the Bill chamber clerk or sheriff clerk, in order that the approval of the Lord Ordinary or sheriff (whichever may be selected by the trustee) may be obtained thereto; and, if the Lord Ordinary or the sheriff, after hearing any objections by creditors, shall find that the offer, with the security, has been duly made, and is reasonable, and has been assented to by a majority in number and three fourths in value of all the creditors assembled at the said meeting, he shall pronounce a deliverance approving thereof; provided that he shall hear any objection by opposing creditors, and, if he shall refuse to sustain the offer or reject the vote of any creditor, he shall specify the grounds of refusal or rejection.

Lord Ordinary or sheriff to approve.

Offer of composition may also be made

136. In like manner, at the meeting held after the examination of the bankrupt, or at any subsequent meeting called for

at meeting after bankrupt's examination.

the purpose by the trustee, with the consent of the commissioners, the bankrupt, or his friends, or, in case of his decease, his successors, or any of them, and, in the case of a company, one or more of the partners thereof, may offer a composition to the creditors on the whole debts, with security for payment of the same; and, if a majority in number and three fourths in value of the creditors present shall resolve that the offer and security shall be entertained for consideration, the trustee shall call another meeting to be held at a specified hour on a specified day, being not less than twenty-one days thereafter, and at a specified place, and shall, seven days at least before such other meeting, send by post letters addressed to each of the creditors who have claimed on the estate or are mentioned in the bankrupt's state of affairs, which letter shall contain a notice of such resolution, and of the hour, day, and place, and purpose of the meeting, and specify the offer and security proposed, and give an abstract of the state of the affairs and valuation of the estate, so far as can be done, to enable the creditors to judge of such offer; and, if at the meeting so called a majority in number and three fourths in value of the creditors present shall accept the said offer and security, a bond of caution shall be lodged and a report made, and a deliverance pronounced, all in the same manner and to the same effect as is hereinbefore provided.

Bankrupt on making declaration or oath to obtain his discharge.

137. On such deliverance being pronounced, approving of the composition in either of the cases above specified, the bankrupt, or, if deceased, his successor or other party offering the composition, shall make a declaration, or, if required by the trustee or any creditor, an oath, before the Lord Ordinary or the sheriff (as the case may be), that he has made a full and fair surrender of his estate, and has not granted or promised any preference or security, or made or promised any payment, or entered into any secret or collusive agreement or transaction, to obtain the concurrence of any creditor to such offer and security; and, if the bankrupt shall be at the time beyond the jurisdiction of the Lord Ordinary or sheriff, or is by a lawful cause prevented from appearing before the Lord Ordinary or sheriff, commission may be granted to any fit person to take such declaration or oath; and the Lord Ordinary or the sheriff (as the case may be), on being satisfied with such oath or declaration, shall pronounce a deliverance discharging the bankrupt of all debts and obligations contracted by him, or for which he was liable at the date of the sequestration, and shall declare the sequestration to be at an end, and the bankrupt reinvested in his estate (reserving always the claims of the creditors for the said composition against him and the cautioner); and the bond of caution shall be recorded in the books of the Court of Session, or, when such deliverance is pronounced by the sheriff, in the books of the sheriff court; and the clerk of the Bills or the sheriff clerk, shall forthwith transmit a signed extract of such deliverance to the accountant, who shall preserve the same, with the copy of the proceedings in the sequestration transmitted to him, as herein

provided; and such deliverance of the Lord Ordinary or of the sheriff shall operate as a complete discharge and acquittance to the bankrupt in terms thereof, and shall receive effect within Great Britain and Ireland and throughout His Majesty's other dominions, and an entry thereof shall be made by the accountant in the register of sequestrations.

Trustee's accounts to be audited before the composition be approved of.

138. Before the Lord Ordinary or the sheriff shall pronounce the deliverance approving of the composition, the commissioners shall audit the accounts of the trustee, and ascertain the balance due to or by him, and fix the remuneration for his trouble, subject to the review of the Lord Ordinary or the sheriff, if complained of by the trustee, the bankrupt, or any of the creditors; and the expense attending the sequestration and such remuneration shall be paid or provided for to the satisfaction of the trustee and commissioners before such deliverance is pronounced.

Sequestration to go on, notwithstanding offer of composition.

139. Notwithstanding such offer of composition and proceeding consequent thereon, the sequestration shall continue, and the trustee shall proceed in the execution of his duty as if no such offer had been made, until the deliverance by the Lord Ordinary or the sheriff be pronounced, when the sequestration shall cease and be at an end, and the trustee be exonered and discharged: Provided, nevertheless, that the trustee and his cautioner shall be liable, on petition to the Lord Ordinary or sheriff by the bankrupt or his cautioner for the composition, to account for his intromissions and other acts as trustee.

Bankrupt and cautioner not to be entitled to object to certain debts.

140. Neither the bankrupt nor, in case of his decease, his successor, offering the composition, nor the cautioner for the composition, shall be entitled to object to any debt which the bankrupt has given up in the state of his affairs as due by him, or admitted without question to be reckoned in the acceptance of the offer of composition, nor to object to any security held by any creditor, unless in the offer of composition such debt or security shall be stated as objected to, and notice in writing given to the creditor in right thereof.

Claims against cautioner limited in certain cases to two years.

141. No person who has not produced an oath as a creditor before the date of the deliverance approving of the composition shall be entitled to make any demand against the cautioner after the space of two years from the date of such deliverance, reserving to such creditor his claim for the composition against the bankrupt and his estate.

If offer of composition rejected, no other to be entertained unless nine tenths of creditors ranked shall agree.

142. If an offer of composition have been made and rejected, or have become ineffectual, no other offer of composition shall be entertained unless nine tenths in number and value of all the creditors ranked or entitled to be ranked on the estate shall assent in writing to such offer, which offer shall state the amount of composition and the terms of payment, and be subscribed by the cautioner proposed, in which case a

meeting shall be called in manner before directed by the trustee for finally disposing of the same; and, if at the meeting so called a majority in number and nine tenths in value of the creditors present shall accept such offer and security, and the same shall be assented to by nine tenths in value of all the creditors who have produced oaths as aforesaid, a bond of caution shall be lodged and a report made, and deliverances pronounced, and the other proceedings shall take place and have effect in the same manner as is hereinbefore provided for other offers of composition.

2. Without Composition.

Proceedings for this purpose.

May be discharged with consent of creditors.

143. The bankrupt may, at any time after the meeting held after his examination, petition the Lord Ordinary or the sheriff to be finally discharged of all debts contracted by him before the date of the sequestration, provided that every creditor who has produced his oath as aforesaid shall concur in the petition; and the bankrupt may also present such petition on the expiration of six months from the date of the deliverance actually awarding sequestration, provided a majority in number and four fifths in value of the creditors who have produced oaths concur in the petition, and the bankrupt may also present such petition on the expiration of twelve months from the date of the deliverance actually awarding sequestration, provided a majority in number and two thirds in value of the creditors concur in the petition; and the bankrupt may also present such petition on the expiration of eighteen months from the date of the deliverance actually awarding sequestration, provided a majority in number and value concur in the petition; and the bankrupt may also present such petition on the expiration of two years from the date of the deliverance actually awarding sequestration without any consents of creditors; and the Lord Ordinary or the sheriff, as the case may be, shall, in each of the cases aforesaid, order the petition to be intimated in the Gazette and to each creditor; and if, at the distance of not less than twenty-one days from the publication of such intimation, and on evidence being produced of concurrence as aforesaid, where such concurrence is required, there be no appearance to oppose the same, the Lord Ordinary, or the sheriff, as the case may be, shall pronounce a deliverance finding the bankrupt entitled to a discharge; but, if appearance be made by any of the creditors or by the trustee, the Lord Ordinary or the sheriff, as the case may be, shall judge of any objections against granting the discharge, and shall either find the bankrupt entitled to his discharge, or refuse the discharge, or defer the consideration of the same for such period as he may think proper, and may annex such conditions thereto as the justice of the case may require: Provided that it shall not be competent for the bankrupt to present a petition for his discharge, or to obtain any consent of any creditor to such discharge, until the trustee

After two years may be discharged without consent.

shall have prepared a report with regard to the conduct of the bankrupt, and as to how far he has complied with the provisions of this Act, and, in particular, whether the bankrupt has made a fair discovery and surrender of his estate, and whether he has attended the diets of examination, and whether he has been guilty of any collusion, and whether his bankruptcy has arisen from innocent misfortunes or losses in business, or from culpable or undue conduct; and such report shall be prepared by the trustee as soon as may be after the bankrupt's examination, but shall not be demandable from the trustee till the expiration of five months from the date of the deliverance actually awarding sequestration; and such report shall be produced in the proceedings for the bankrupt's discharge, and shall be referred to by its date, or by other direct reference, in any consent to his discharge; and the trustee shall forthwith engross, in the sederunt book of the estate, a copy of his said report.

Bankrupt to make a declaration or oath before obtaining discharge.

144. If the bankrupt shall be found entitled to his discharge he shall make a declaration, or, if required by the trustee or any creditor, an oath, before the Lord Ordinary or sheriff, that he has made a full and fair surrender of his estate, and has not granted or promised any preference or security, nor made or promised any payment, nor entered into any secret or collusive agreement or transaction, to obtain the concurrence of any creditor to his discharge; and, if the bankrupt shall be at the time beyond the jurisdiction of the Lord Ordinary or sheriff, or is by lawful cause prevented from coming before the Lord Ordinary or sheriff, commission may be granted to any fit person to take such declaration or oath; and the Lord Ordinary or the sheriff, as the case may be, on being satisfied with such declaration or oath, shall pronounce a deliverance discharging the bankrupt of all debts and obligations contracted by him or for which he was liable at the date of the sequestration; and, when the deliverance discharging the bankrupt is pronounced by the Lord Ordinary or sheriff, the clerk of the Bills or the sheriff clerk shall forthwith transmit a signed extract thereof to the accountant, who shall preserve the same with the copy of the proceedings in the sequestration transmitted to him, and, such deliverance by the Lord Ordinary or the sheriff shall operate as a complete discharge and acquittance to the bankrupt in terms thereof, and shall receive effect within Great Britain and Ireland and all His Majesty's other dominions; and an entry thereof shall be made by the accountant in the register of sequestrations.

Abbreviate of discharge of bankrupt.

145. An abbreviate of the deliverance of discharge of the bankrupt, whether following on a composition or not, shall be issued by the clerk of the Bills or the sheriff clerk, in the form of Schedule E. No. 4 hereto annexed, and the abbreviate shall be recorded in the registers of inhibitions and adjudications, and

the keeper of such registers shall, if required, write and subscribe a certificate on the said abbreviate in the form specified in Schedule E. No. 2 hereto annexed.

Restriction of right to discharge.

146. Notwithstanding anything herein contained—

(1) A bankrupt shall not at any time be entitled to be discharged of his debts, unless it is proved to the Lord Ordinary or the sheriff, as the case may be, that one of the following conditions has been fulfilled:—

(*a*) That a dividend or composition of not less than five shillings in the pound has been paid out of the estate of the bankrupt, or that security for payment thereof has been found to the satisfaction of the creditors; or

(*b*) That the failure to pay five shillings in the pound, as aforesaid, has, in the opinion of the Lord Ordinary or the sheriff, as the case may be, arisen from circumstances for which the bankrupt cannot justly be held responsible:

(2) In order to determine whether either of the aforesaid conditions has been fulfilled, the Lord Ordinary or the sheriff, as the case may be, shall have power to require the bankrupt to submit such evidence as he may think necessary, in addition to the declarations or oaths, as the case may be, made by the bankrupt under sections one hundred and thirty-seven and one hundred and forty-four of this Act, and the report made by the trustee under section one hundred and forty-three of this Act, and to allow any objecting creditor or creditors such proof as he may think right:

(3) Any deliverance of the Lord Ordinary or sheriff, as the case may be, under this section, shall be subject to appeal in the manner provided in sections one hundred and sixty-seven and one hundred and sixty-six of this Act: Provided always that the judgment of the Inner House of the Court of Session on any such appeal shall be final and not subject to review:

(4) In the event of a discharge being refused under the provisions of this section, the bankrupt shall, at any time, if his estate shall yield or he shall pay to his creditors such additional sum as will, with the dividend or composition previously paid out of his estate during the sequestration, make up five shillings in the pound, be entitled to apply for and obtain his discharge in the same manner as if a dividend of five shillings in the pound had originally been paid out of his estate.

This Act not to extend to discharge Crown debtors, &c. unless Treasury give consent.

147. This Act shall not extend to discharge any person with respect to any debt due to His Majesty, or to any debt or penalty with which he shall stand charged at the suit of the Crown or any person for any offence committed against any Act or Acts relative to any branch of the public revenue, or at the suit of any sheriff or other public officer upon any bail bond entered into for the appearance of any person prosecuted for any such offence, unless the Treasury shall consent to such discharge.

Pay, half pay, and pensions of bankrupts to be applicable for the benefit of creditors.

148. The Lord Ordinary or sheriff may order such portion of the pay, half pay, salary, emolument, or pension of any bankrupt as on communication from the Lord Ordinary or sheriff to the Treasury, the Secretary of War, or the Admiralty, or the Commissioners of Customs and Excise, or the chief officers of the department to which such bankrupt may belong, or may have belonged, or under which such pay, half pay, salary, emolument, or pension may be enjoyed by such bankrupt, or to the Secretary of State for India, they respectively may, under their hands, or under the hand of their respective chief secretary, or other chief officer for the time being, consent to in writing, to be paid to the trustee in order that the same may be applied in payment of the debts of such bankrupt; and such order and consent being lodged in the office of His Majesty's Paymaster General, or of any other officer or persons appointed to pay or paying any such half pay, salary, emolument, or pension, such portion of the said pay, half pay, salary, emolument, or pension as shall be specified in such order and consent shall be paid to such trustee until the Lord Ordinary or sheriff shall make order to the contrary.

Refusal of application for discharge by Court of Session, &c.

149. Notwithstanding anything hereinbefore contained, the Lord Ordinary or the sheriff may refuse the application for the discharge of any bankrupt, although two years have elapsed from the date of the sequestration, and although no appearance or opposition shall be made by or on the part of any of the creditors, if it shall appear from the report of the accountant or other sufficient evidence that the bankrupt has fraudulently concealed any part of his estate or effects, or has wilfully failed to comply with any of the provisions of this Act.

Preferences and Collusions for procuring Discharge to be void.

Preferences, payments, and collusive agreements for discharge to be void.

150. All preferences, gratuities, securities, payments, or other consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive agreements and transactions, for concurring in, facilitating, or obtaining the bankrupt's discharge, either on or without an offer of composition, and whether the offer be accepted or not, or the discharge granted or not, shall be null and void; and, if during the sequestration any creditor shall have obtained any such preference, gratuity,

security, payment, or other consideration or promise thereof, or entered into such secret or collusive consideration or agreement or transaction, the trustee shall be entitled to retain his dividend, and he or any creditor ranked on the estate may present a petition to the Lord Ordinary or to the sheriff, praying that such creditor shall be found to have forfeited his debt, and be ordained to pay to the trustee double the amount of the preference, gratuity, security, payment, or other consideration given, made, or promised, and, if no cause be shown to the contrary, decree shall be pronounced accordingly; and the sums which in such case may be recovered shall, under deduction of the expenses of recovering the same, be distributed by the trustee among the other creditors under the sequestration; and, if the sequestration shall have been closed, it shall be competent to any creditor who shall not have received full payment of his debt to raise a multiplepoinding in name of the person who has obtained such preference, gratuity, security, payment, or other consideration or promise as aforesaid, and on the value of the preference, gratuity, or security, or amount of the sum paid or consideration obtained, being ascertained, double such value or amount, together with the amount of the dividend of the colluding creditor, shall be ordered to be consigned by him, and shall be divided among the creditors who were ranked or were entitled to be ranked in the sequestration, and have not received full payment of their debts, and who shall lodge claims in such multiplepoinding, according to their respective rights and interests; and such multiplepoinding shall be executed in terms of law against the colluding creditor, and notice thereof at the same time be inserted in the Gazette; and in the event of there being any surplus, after paying the full debts of the creditors, and defraying the expenses of the sequestration or other proceeding, the same shall be paid into the account of unclaimed dividends, as hereinafter provided.

Bankrupt to forfeit privileges, if participant in giving such preferences, &c.

151. If the bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any preference, gratuity, security, payment, or other consideration, or in any secret or collusive agreement or transaction as aforesaid, he shall forfeit all right to a discharge and all benefits under this Act, and such discharge, if granted, either on or without an offer of composition, shall be annulled; and the trustee or any one or more of the creditors may apply by petition to the Lord Ordinary to have such discharge annulled accordingly.

Trustee's Discharge.

Proceedings for this purpose.

152. After a final division of the funds, the trustee shall call a meeting of the creditors, by an advertisement in the Gazette, to be held not sooner than fourteen days after such publication, specifying the time, place, and purpose of holding the meeting, and by letters addressed by post to every creditor who has produced an oath as aforesaid, to consider as to an

application for his discharge, and at such meeting he shall lay before the creditors the sederunt book and accounts, with a list of unclaimed dividends, and the creditors may then declare their opinion of his conduct as trustee, and he may thereafter apply to the Lord Ordinary or the sheriff, who, on advising the petition, with the minutes of the meeting, and hearing any creditor may pronounce or refuse decree of exoneration, and the clerk of the Bills or the sheriff clerk shall forthwith transmit to the accountant a signed extract of such decree, which shall be entered in the register of sequestrations, and the bond of caution for the trustee delivered up.

Trustees to lodge unclaimed dividends, &c. in bank.

153.—(1) Every trustee in any sequestration shall, before his discharge, transmit the sederunt book to the accountant, who shall thereupon direct the trustee to deposit the unclaimed dividends and any unapplied balances in the same bank in which money received by him was lodged under the provisions of this Act; and the trustee shall forthwith transfer the whole dividends not then claimed and any unapplied balances to such bank, and transmit the deposit receipts therefor to the accountant; and the unclaimed dividends shall be entered by such bank in an account to be kept under the title of "Account of Unclaimed Dividends"; and a book or books shall be kept in the office of the accountant, to be entitled "The Register of Unclaimed Dividends," containing a list, with the names arranged alphabetically, of all the creditors entitled to such unclaimed dividends, and specifying the bank in which each such unclaimed dividend is deposited, which shall be patent to all persons; provided that it shall not be necessary for the accountant to enter in detail in the said register the names of those creditors whose unclaimed dividends do not respectively exceed one pound sterling.

Claimants showing right to apply to accountant for authority to receive dividends.

(2) After the discharge of the trustee, it shall be competent to any person, producing evidence of his right, to apply to the accountant for authority to receive any such dividend which has been deposited in terms of this section within seven years immediately preceding the date of such application and for which the deposit receipt is still in the custody of the accountant; and, on the accountant being satisfied of the claimant's right, a warrant shall be granted by him for payment of such dividend, whereof he shall make an entry in the said register, and upon such warrant the bank shall pay the same with any interest which may have accrued thereon.

Transfer of unclaimed dividends, &c., to Remembrancer.

(3) The accountant shall, at the expiry of seven years from the date of deposit of any unclaimed dividend or unapplied balance deposited in terms of this section, hand over the deposit receipt or other voucher therefor to the King's and Lord Treasurer's Remembrancer, who shall thereupon obtain payment in the manner and on the conditions specified in the Court of Session Consignations (Scotland) Act, 1895, of the amount due, principal and interest, from the bank in which the deposit was

58 & 59 Vict. c. 19.

made, and the keeping of an interest account of unclaimed dividends shall be discontinued, and each bank shall, on this Act coming into operation, pay over to the said Remembrancer the whole amounts standing at the credit of that account in the books of the bank; and a receipt under the hand of the said Remembrancer shall be a sufficient discharge to the accountant for the duties imposed on him by this section and to the said banks for the payments so made by them.

Law accounts to be taxed.

154. All accounts for law business incurred by the trustee shall, before payment thereof by the trustee, be submitted for taxation to the auditor of the Court of Session, or to the auditor of the sheriff court of the county in which the sequestration was carried on, as may be directed by a general meeting of the creditors.

Surplus to be paid to bankrupt.

155. Any surplus of the bankrupt's estate and effects that may remain after payment of his debts, with interest, and the charges of recovering and distributing the estate, shall be paid to the bankrupt, or to his successors or assignees.

The Accountant.

Accountant to keep register of sequestrations.

156. The accountant shall keep a book, entitled "The Register of Sequestrations," in the general form of Schedule G. hereunto annexed, but with such additional heads as he may find necessary, which book shall be patent to all concerned, and he shall regularly enter therein the division of the court to which any sequestration awarded in the Court of Session is appropriated, or the sheriff awarding sequestration and the sheriff to whom the sequestration is remitted, the date of the first deliverance on every petition of sequestration, whether in the Court of Session or sheriff court, the name and designation of the debtor, the place and county of his residence, dwelling-house, or place of business, and the name and designation of the petitioning or concurring creditor, the date of awarding or recalling sequestration, the time and place appointed for the election of the trustee and commissioners, the name and designation of the trustee and commissioners, the bankrupt's discharge on composition or otherwise, and the trustee's discharge, for which purpose the clerks of the Bill chamber and the sheriff clerk of each county shall transmit forthwith to the accountant a certified copy of the first deliverance in sequestrations awarded in the Court of Session and sheriff courts respectively, and the sheriff clerk of each county shall, every six months, transmit to the accountant the particulars necessary to enable him to make such entries, and the trustee shall be bound when required to furnish such particulars to the sheriff clerk.

Trustee to make an annual return to sheriff clerk,

157. Each trustee shall, within fourteen days after the thirty-first day of December in each year, or on the first lawful day after expiry of the said fourteen days, deliver, free of

expense, to the sheriff clerk of the county, a return in the form of the Schedule H. hereunto annexed, of every sequestration in which he is trusteé ; and the sheriff clerk shall, within fourteen days thereafter, transmit, in the form of the said schedule, to the accountant, a return of all the sequestrations depending in the sheriffdom whereof he is clerk ; and the accountant shall cause the returns so made to be regularly bound up and preserved, according to the alphabetical order of counties, in a volume to be kept at all times in his office, with an index thereto, framed by him, and which volume shall be patent to all concerned ; and any trustee who shall fail to make such return shall be removable from his office at the instance of any one creditor, or of the accountant, or subject to such censure as the Lord Ordinary or the sheriff may think suitable, and be found liable in expenses. and the sheriff clerk to the accountant.

158. The accountant shall take cognizance of the conduct of trustees and commissioners in all sequestrations, and, in the event of their not faithfully performing their duties and duly observing all rules and regulations imposed on them by statute, act of sederunt, or otherwise relative to the performance of those duties, or in the event of any complaint being made to him by any creditor in regard thereto, he shall inquire into the same, and, if not satisfied with the explanation given, he shall report thereon to the Lord Ordinary or the sheriff, who, after hearing such trustees or commissioners thereon, and investigating the whole matter, shall decide, and shall have power to censure such trustees or commissioners, or remove them from their office, or otherwise to deal with them as the justice of the case may require. Accountant to take cognizance of the conduct of trustees and commissioners.

159. The accountant shall superintend the annual returns required by this Act from trustees, and frame an annual report to the Court of Session, showing the state of each depending sequestration returned to him, which report may be published in the Gazette, or otherwise as the court shall direct ; and the accountant shall have power, on the application of one or more of the creditors, or of his own accord, to require exhibition of the sederunt book in any sequestration, and of any vouchers or documents which he may think necessary, and to direct that a meeting of the creditors shall be called to take any measures under consideration which he may judge requisite for the preservation or due management of the estate or more speedy realisation and division of the funds or winding up of the estate. On the expiry of five years from the date of the last proceeding in any sequestration, such sequestration shall cease to be a depending sequestration within the meaning of this section. To superintend annual returns.

160. The accountant shall, at all times when requisite, report to the Lord Ordinary or the sheriff any disobedience by the trustee or commissioners of any requisition or order by him, and generally any matter which he may deem it necessary for To report disobedience.

the due discharge of his office to bring before the Lord Ordinary or the sheriff, and it shall be competent for the Lord Ordinary or the sheriff to deal summarily with the matter reported, as accords of law.

To give information to Lord Advocate.

161. If the accountant shall possess information that shall lead him, on reasonable grounds, to suspect fraudulent conduct by the bankrupt, or malversation or misconduct on the part of the trustee or commissioners, such as may infer punishment, he shall be entitled to give information to the Lord Advocate, who shall direct such inquiry and take such proceedings therein as he shall think proper.

In case of illness, &c. of accountant, Lord President to appoint a deputy.

162. In case of the illness or temporary absence of the accountant, the Lord President of the Court of Session may authorise any one of the accountant's clerks or other qualified person to discharge the duties of the office for the time.

Judicial Power for winding up the Estates of Parties deceased.

Application for judicial factor on estates of persons deceased.

163. It shall be competent to one or more creditors of parties deceased, or to persons having an interest in the succession of such parties, in the event of the deceased having left no settlement appointing trustees or other parties having power to manage his estate or part thereof, or in the event of such parties not accepting or acting, to apply by summary petition to either division of the Court of Session or, where the assets of the deceased are estimated not to exceed five hundred pounds, to the sheriff of the sheriffdom within which the deceased resided or carried on business during the year immediately preceding the date of the petition, or within which heritage belonging to the deceased at the time of his death is situated, for the appointment of a judicial factor, and after such intimation of the petition to the creditors of the deceased, and other persons interested, as may be considered necessary, and after hearing parties, the Lord Ordinary or sheriff may appoint such factor, who shall administer the estate subject to the supervision of the accountant in accordance with the Judicial Factors (Scotland) Acts, 1880 and 1889, and relative acts of sederunt, and in case of an insolvent estate shall divide the same among the creditors thereof in accordance with the rules as to ranking obtaining in sequestrations in virtue of the provisions of this Act.

43 & 44 Vict. c. 4.
52 & 53 Vict. c. 39.

Judicial factor's duties to be regulated by act of sederunt.

164. The court shall have full power to regulate by act of sederunt the caution to be found by such factor, the mode in which he shall proceed in realising and dividing the funds, and otherwise in the discharge of his duties, and any other matter which they may deem necessary.

Judicial Proceedings.

Appeals, &c. against resolutions of credi-

165. It shall be competent to appeal against the resolutions of the creditors at meetings either to the Lord Ordinary or the

sheriff, provided a note of appeal shall be lodged with and marked by one of the clerks of the Bill chamber within fourteen days after the date of the meeting at which the resolution objected to has been passed, or (as the case may be) in the hands of and marked by the sheriff clerk within the like period; and it shall in like manner be competent to appeal against any deliverance of the trustee or commissioners to the Lord Ordinary or the sheriff, provided the note of appeal shall be lodged and marked as aforesaid within fourteen days from the date of the deliverance; and, where any such appeal is made, or where any petition or complaint is presented against the trustee or commissioners, or against any of the creditors, the Lord Ordinary or the sheriff (as the case may be) shall appoint a copy thereof, and of his deliverance thereon, to be served on the respondent, or his mandatory or known agent, and appoint the respondent to appear at a specified diet within such period as may be reasonable; and the Lord Ordinary or the sheriff (as the case may be) shall at such diet hear parties vivâ voce, and the Lord Ordinary shall proceed to dispose of the case, with or without a record, as he shall consider best; and the sheriff, without a record, may decide, provided he shall specify the facts, and assign the grounds of his judgment; but, if he shall see cause, he may order minutes to be lodged by the parties, containing their averments in fact and pleas in law, without argument, and may hold the same as a closed record, and proceed in a summary way, and in pronouncing his judgment he shall assign his reasons; and it shall be competent to the Lord Ordinary or the sheriff, if they shall think fit, where any resolution of a meeting of the creditors is appealed against, to order a new meeting to be held, in order to reconsider the resolution.

tors and deliverances of trustees to the Lord Ordinary or sheriff.

166. It shall be competent to bring under the review of the inner house of the Court of Session, or before the Lord Ordinary in time of vacation, any deliverance of the sheriff, after the sequestration has been awarded (except where the same is declared not to be subject to review), provided a note of appeal be lodged with and marked by the sheriff clerk, within eight days from the date of such deliverance, failing which, the same shall be final; and such note, together with the process, shall forthwith be transmitted by the sheriff clerk to the clerk of the Bill chamber; and the Lord Ordinary's decision shall, when not expressly made final by this Act, be subject to review of the inner house; and it shall be competent to the inner house or the Lord Ordinary to remit to the sheriff, with instructions.

Review of sheriff's judgments.

167. Where any judgment of the Lord Ordinary is to be brought under review of the inner house, the same shall be done by a reclaiming note in common form presented within fourteen days from the date of the judgment; and such reclaiming note shall be disposed of by the inner house as speedily as the forms of court will allow.

Review of Lord Ordinary's judgments.

Regulation by sheriff of interim possession.

168. During the dependence of appeals or petitions and complaints, it shall be competent to the sheriff to give such orders as may be necessary to regulate the interim possession and administration of the estate.

Appeals to House of Lords.

169. If any appeal shall be made to the House of Lords, the sequestration shall, in all respects not inconsistent with or injurious to the interests which may be affected by the appeal, proceed without interruption, and the Lord Ordinary shall make such orders as may be necessary to regulate the interim possession and management of the estate, and which orders shall not be subject to appeal.

Deliverances, extracts, and copies, shall form evidence.

170. All deliverances under this Act purporting to be signed by the Lord Ordinary or by any of the judges of the Court of Session, or by the sheriff, as well as all extracts or copies thereof or from the books of the Court of Session or the sheriff court purporting to be signed or certified by any clerk of court, or sheriff clerk, or extracts from or copies of registers purporting to be made by the keeper thereof, or extractor, shall be judicially noticed by all courts and judges in England, Ireland, and His Majesty's other dominions, and shall be received as primâ facie evidence, without the necessity of proving their authenticity or correctness, or the signatures appended, or the official character of the persons signing, and shall be sufficient warrants for all diligence and execution by law competent.

Deliverances, &c. may be printed.

Service of citations. 45 & 46 Vict. c. 77.

171. All deliverances, bonds, schedules, and executions under this Act may be either printed or in writing, or partly both; and service or citation may be made by a competent officer without witnesses, or as directed in the Citation Amendment (Scotland) Act, 1882.

Trustees and commissioners may compound and transact.

172. The trustee may, with consent of the commissioners, compound and transact or refer to arbitration any questions which may arise in the course of the sequestration regarding the estate, or any demand or claim made thereon, and the compromise, transaction, or decree arbitral shall be binding on the creditors and the bankrupt.

Agents in Court of Session may be agents in causes under this Act before sheriff.

173. It shall be lawful for all agents, duly qualified to practise before the Court of Session, to practise in all sheriff courts, in so far as relates to any of the proceedings authorised by this Act to be carried on before the sheriff; provided that they shall not be entitled to payment of any higher fees than those legally exigible in such courts.

SUMMARY SEQUESTRATIONS.

Summary sequestrations.

174. Where a debtor's assets of every description do not in the aggregate exceed three hundred pounds in value, his estate may be wound up under a summary sequestration as provided in the two following sections of this Act, and, subject to the

provisions of the said two sections, all the other provisions of this Act shall apply to summary sequestrations.

Petition for summary sequestration.

175.—(1) Subject to the provisions of subsection (2) of this section, every petition for summary sequestration shall be presented to the sheriff of any sheriffdom within which the debtor has resided or carried on business during the year immediately preceding the date of the petition, and may be at the instance of the debtor, without the concurrence of any creditor, or, where the debtor is notour bankrupt, and within four months after the constitution of notour bankruptcy, at the instance of one creditor, whose claim amounts to ten pounds or upwards, or of two or more creditors whose claims in the aggregate amount to ten pounds or upwards.

(2) Where the petition is at the instance of one or more creditors, who do not know within which sheriffdom the debtor resided or carried on business during the year immediately preceding the date of the petition, or if the debtor be furth of Scotland, then the petition may be presented to the Court of Session in the Bill chamber.

(3) With every petition for summary sequestration at the instance of the debtor he shall lodge in the hands of the sheriff clerk a short state of his affairs, subscribed by himself, which state of affairs shall specify the particulars required by section seventy-seven of this Act.

(4) The first deliverance on every petition for summary sequestration at the instance of one or more creditors shall, in addition to a warrant to cite, contain an order on the debtor, ordaining him, within six days after the service of the said order, to lodge in the hands of the sheriff clerk, or clerk of the bills, as the case may be, a short state of his affairs, subscribed by himself, which state of affairs shall specify the particulars required by section seventy-seven of this Act.

(5) The judge to whom a petition for summary sequestration is presented may refuse the petition, with or without expenses, or may award sequestration: Provided that, if he award sequestration, such sequestration may be recalled in accordance with the provisions of this Act.

(6) Where the judge, to whom a petition for summary sequestration is presented, awards sequestration, he may either order that the sequestration shall proceed as a summary sequestration or (if from the fact that the state of affairs lodged by the bankrupt shows that the assets exceed three hundred pounds in value, or for some other reason, he be of opinion that it is not expedient that the sequestration so proceed) he may make no such order, and in the latter case the provisions of this section and of sections one hundred and seventy-four and one hundred and seventy-six of this Act shall no longer apply. The decision of the judge under this subsection shall be final on the question whether the sequestration is or is not to proceed as a summary sequestration, without prejudice to the

sequestration being recalled in accordance with the provisions of this Act.

Procedure in summary sequestrations.

176. The procedure enacted in this Act with regard to sequestration shall, in its application to summary sequestrations, be modified to the extent and effect following (that is to say):—

(1) The trustee, within seven days after the date of deliverance declaring his election, shall apply orally to the sheriff to fix a diet for the examination of the bankrupt, and the sheriff shall by deliverance ordain the bankrupt to appear for public examination within the sheriff court house on a specified day and at a specified hour, and at the diet so appointed the bankrupt shall appear in public court, in presence of the sheriff for examination:

(2) As soon as the trustee obtains his act and warrant, he shall take possession of all the property of the bankrupt and also of all his books and papers:

(3) Not less than seven days prior to the diet fixed for the public examination of the bankrupt, the trustee shall give notice to the bankrupt requiring him to attend the said diet and shall also give notice in the Gazette, and he shall also post to each creditor, who has lodged a claim, or who is mentioned in the bankrupt's state of affairs, or is otherwise known to the trustee, a circular, which notice and circular shall intimate the trustee's name and designation, his appointment as trustee, the day, hour, and place fixed for the examination of the bankrupt, the period within which claims should be lodged, and also a specified day, hour, and place for holding a second meeting of creditors:

(4) Creditors shall transmit their oaths and claims and grounds of debt to the trustee, not less than twenty-one days before the said second meeting:

(5) Where a dividend is to be made, the trustee shall, not less than fourteen days prior to the said second meeting, adjudicate upon the claims of the creditors, admitting or rejecting them in whole or in part, and he shall prepare a list thereof, with his deliverance thereon, which list, with the claims, vouchers, and whole process, shall be open to inspection by the bankrupt, and by the creditors, and, where the trustee shall reject in whole or in part any claim, he shall post notice thereof to the creditor ten days at least before the said second meeting of creditors:

(6)—(*a*) (1) Where the bankrupt or any creditor intends to object to any deliverance by the trustee, admitting in whole or in part any claim, or (2) where any creditor intends to object to any deliverance, ranking any

other creditor, or (3) where a creditor intends to object to a deliverance, rejecting in whole or in part his claim, the bankrupt or the objecting creditor respectively shall, in the first or second case, give notice to the trustee and to any creditor whose claim is objected to, and in the third case to the trustee, of his intention and of the nature and particulars of the objection, by registered letter, posted three days at least before the said second meeting, and there shall be produced a copy of the letter of notice and the post office receipt for the letter at the said meeting:

(*b*) Where such notice has been given, the trustee shall apply orally to the sheriff to fix a diet for the summary disposal of such objections, and, upon the diet being fixed, the sheriff clerk shall issue to the bankrupt, the trustee, or to any creditor desiring to lead evidence, a diligence to cite witnesses and havers for that and any adjourned diet. The sheriff may, when necessary, grant second diligence:

(*c*) At the diet so fixed for hearing objections the sheriff shall hear parties vivâ voce, and after such proof, if any, as he may allow (which proof shall be recorded if desired by any of the parties), shall dispose of the objections summarily, and settle the ranking of the creditors so objected to. The sheriff may adjourn consideration of any of the matters mentioned in this subsection to another diet or diets:

(*d*) In his interlocutor disposing of the objections, the sheriff shall issue findings in fact and in law on which his judgment proceeds.

Where the proof has not been recorded, the sheriff's findings in fact shall be final, and any party dissatisfied with the sheriff's judgment may appeal against his findings in law in the manner provided in section one hundred and sixty-six of this Act, and, where the proof has been recorded, any creditor may appeal against the sheriff's findings in fact and in law in the manner provided in section one hundred and sixty-six of this Act:

(7) At the second meeting of creditors the trustee shall attend, and the creditors may also attend by themselves or their mandatories, and the trustee and commissioners may fix a date for payment of the first or final dividend, or may postpone payment of a dividend to a date not later than three months after the date of the said second meeting:

(8) If, at the second meeting, it is apparent to the trustee and commissioners—

(1) that, in consequence of appeals against any deliverance by the trustee, it is inexpedient to fix

a time for declaring a dividend, the trustee and commissioners may determine to declare a dividend as soon after the objections have been disposed of as in their opinion it is expedient to do so; or

(2) that there will be no funds for division among the creditors, the creditors shall direct the trustee to report orally to the sheriff, and, failing such direction, the trustee may then, or at any subsequent period, orally report to the sheriff that there will be no funds for division, who may thereupon, in writing, dispense with any further procedure in the summary sequestration:

(9) Ten days at least, prior to the date fixed for the payment of a dividend, the trustee's accounts, with relative vouchers, shall be submitted to the commissioners for audit, and shall be approved of or modified and adjusted by the commissioners, who shall fix the trustee's remuneration, subject to review by the accountant at the instance of the trustee or the bankrupt or any creditor, provided that, if the trustee or any creditor intends to appeal against the deliverance of the commissioners, the appellant must intimate his appeal to the accountant within six days after the date of the deliverance appealed against, and the accountant may hear parties vivâ voce, and shall, as soon as convenient, issue his deliverance, which shall be final, and he may find any of the parties liable in expenses; the amount of which expenses (if any) he shall fix in his deliverance. The law agent's account shall be taxed by the auditor of the sheriff court previous to the meeting of commissioners and shall be produced thereto:

(10) If at any time subsequent to the payment of the first or any subsequent dividend the trustee shall have in hand funds, or shall be about to come into possession of funds which will admit of a dividend to the creditors, it shall be the duty of the trustee and commissioners to fix a date for payment of the second or any subsequent dividend; but, before making up a state of ranking for any such second or subsequent dividend, the trustee shall insert a notice in the Gazette not less than thirty days prior to the date fixed for the payment of the said second or subsequent dividend, and specifying a date not less than fourteen and not more than twenty-one days before the date fixed for payment of a second or subsequent dividend, as the last date for lodging claims in order to participate in the second or subsequent dividend; the trustee shall also send notice to any creditor mentioned in the debtor's state of affairs, or known to him, who has previously failed to lodge his claim,

intimating the proposed dividend and stating the last day for lodging claims, and, if new claims be lodged, the trustee shall adjudicate thereon subject to an appeal as provided by subsection (6) of this section, and, if in consequence of the said new claims, or from any other cause, the state of ranking shall require to be remodelled, the trustee shall remodel the same in accordance with the provisions of subsection (5) of this section, and any additional accounts of the trustee or law agents shall be previously taxed and adjusted, all as hereinbefore provided : Provided that, in the application of the provisions of subsections (5) and (6) of this section to claims for second or subsequent dividends and deliverances and appeals relative thereto, the date for payment of the dividend shall be substituted for the second meeting : Provided further that the trustee and commissioners may, in the event of an appeal in terms of this subsection, postpone the payment of the dividend until after such appeal is finally determined :

(11) Any creditor who may have failed to lodge his claim in time to participate in any previous dividend or dividends shall, if he lodges his claim in time, be entitled to an equalising dividend as well as to the new dividend upon the amount of the claim which may be sustained :

(12) The trustee, or any creditor with the consent of the trustee and commissioners, or with the consent of the commissioners alone, may, at any time, call a meeting of creditors to consider and dispose of any matters to be specified in the notice calling such meeting :

(13) In every summary sequestration, unless the trustee shall have previously been discharged, he shall, within ten days after the expiry of six months after the date of his act and warrant, transmit to the accountant a report in duplicate of the state of such summary sequestration, specifying (1) the amount of the funds recovered, (2) the amount of the dividend or dividends paid, (3) the amount and nature of the assets not realised, (4) the reason or reasons which have prevented him from realising the said assets, and (5) an estimate of the time when, in his opinion, these assets will be realised, and the accountant may call on the trustee for any written or oral explanations the accountant may wish to obtain, and the accountant shall engross on each of the said duplicates a docquet expressing approval or disapproval of the reasons given by the trustee for failing to realise the said assets. One duplicate the accountant shall retain, and he shall deliver the other to the trustee, who shall

engross the said report and docquet in the sederunt book of the estate, and the trustee shall likewise within ten days after the expiry of three months after the date of his first or any subsequent report under this subsection, transmit to the accountant an additional report specifying the particulars set forth in this subsection, which additional report shall be dealt with in the same manner as is provided with regard to the first report:

(14) After the final division of the funds, or in any case where the sheriff has, in writing, dispensed with further procedure in a summary sequestration, the trustee may apply to the accountant for a certificate that he is entitled to his discharge, and he shall deliver to the accountant the sederunt book and accounts, with a list of unclaimed dividends, if any, and the accountant may, if he be satisfied that the trustee has complied with the one hundred and fifty-third section of this Act, and with the provisions of this Act applicable to summary sequestrations, and is otherwise entitled to be discharged, and upon deposit in bank of any unclaimed dividends and unapplied balances as directed by section one hundred and fifty-three of this Act, grant to the trustee a certificate under his hand setting forth that the trustee is entitled to obtain his discharge:

(15) On obtaining the said certificate, the trustee shall orally report the fact to the sheriff, who shall fix a diet for hearing any objections which may be made to the trustee obtaining his discharge, and the trustee shall publish in the Gazette seven days at least prior to the diet so fixed for hearing objections, a notice intimating the same, and, if the bankrupt or any creditor shall appear at the diet so fixed, parties shall be heard vivâ voce, or if the sheriff thinks it expedient he may make a note of any objection, and of the trustee's answer thereto, and after such proof, if any, as he may allow, he may dispose of the objections summarily by granting or refusing the trustee his discharge. The sheriff may adjourn consideration of any matters mentioned in this subsection to any other diet or diets, and he may grant warrant to cite witnesses and havers, and, in the event of the discharge being granted, the sheriff's judgment shall be final, and he shall issue an interlocutor exonerating and discharging the trustee of all his actings and intromissions, and shall order his bond of caution to be cancelled and delivered up, and the sheriff clerk shall forthwith transmit to the accountant a signed extract of the discharge:

(16) If the sheriff refuses to grant the trustee his discharge, the trustee may appeal against his judgment in the manner provided by section one hundred and sixty-six of this Act:

(17) Where the sheriff has in writing dispensed with further procedure in a summary sequestration, the bankrupt may at any time petition the sheriff for his discharge, and the provisions of this Act relating to the discharge of a bankrupt (except the provisions as to the periods at which the bankrupt may so petition and as to the consent of creditors) shall apply.

Summary procedure not to apply to existing sequestrations.

177. The provisions of the three immediately preceding sections of this Act shall not apply to any sequestration awarded before the commencement of this Act.

Punishment of Fraudulent Debtors.

Punishment of fraudulent debtors.

178. The debtor, in a process of sequestration, shall be deemed guilty of a crime and offence, and on conviction before the court of justiciary, or before the sheriff and a jury, shall be liable to be imprisoned for any time not exceeding two years, or by the sheriff summarily for any time not exceeding six months, with or without hard labour:—

(A) In each of the cases following, unless he proves to the satisfaction of the court that he had no intent to defraud, that is to say—

(1) If he does not, to the best of his knowledge and belief, fully and truly disclose the state of his affairs in terms of this Act:

(2) If he does not deliver up to the trustee all his property, and all books, documents, papers, and writings relating to his property or affairs which are in his custody or under his control, and which he is required by law to deliver up, or if he does not deal with and dispose of the same according to the directions of the trustee:

(3) If, after the presentation of the petition for sequestration, or within four months next before such presentation, he conceals any part of his property, or conceals, destroys, or mutilates, or is privy to the concealment, destruction, or mutilation of any book, document, paper, or writing relating to his property or affairs:

(4) If after, or within, the time above specified, he makes or is privy to the making of any false entry in, or otherwise falsifying any book, document, paper, or writing affecting or relating to his property or affairs:

(5) If within four months next before the presentation of the petition for sequestration he pawns,

pledges, or disposes of otherwise than in the ordinary way of trade, any property which he has obtained on credit and has not paid for:

(6) If, being indebted to an amount exceeding two hundred pounds at the date of the presentation of the petition for sequestration, he has not for three years next before such date, if he has been three years in business, and if he has been less than three years in business then from the time he commenced business, kept such books or accounts as are necessary to exhibit or explain his transactions.

(B) In each of the cases following—

(1) If, knowing or believing that a false claim has been made by any person under the sequestration, he fails for the period of a month from the time of his acquiring such knowledge or belief to inform the trustee thereof:

(2) If, after the presentation of the petition for sequestration, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:

(3) If, within four months next before the presentation of the petition for sequestration, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(4) If, after the date of awarding sequestration, or within four months prior thereto, he absconds from Scotland, or makes preparations to abscond for the purpose of avoiding examination or other proceedings at the instance of his creditors, or taking with him property which ought by law to be divided amongst his creditors to the amount of twenty pounds or upwards, or if he fails, having no reasonable excuse (after receiving due notice), to attend the public examination appointed by the sheriff, or to submit himself for examination in terms of this Act:

(5) If, being insolvent, and with intent to defraud his creditors, or any of them, he makes or causes to be made any gift, delivery, or transfer of, or any charge on or affecting his property:

(6) If he fails without reasonable excuse to deliver or lodge in process in obedience to any order lawfully served upon him, a state of his affairs subscribed by him, giving the particulars specified in the said order.

179 If any creditor under any petition for sequestration wilfully, and with intent to defraud, makes any false claim, or makes or tenders any proof, affidavit, declaration, or statement of account which is untrue in any material particular, he shall be deemed guilty of a crime and offence, and may be dealt with and punished as if he had been guilty of a crime and offence under section one hundred and seventy-eight, subsection (B), of this Act, and that section shall apply accordingly. False claim a crime and offence.

180. It shall be the duty of the trustee in any process of sequestration, if he has reasonable grounds to suspect that the bankrupt has been guilty of any offences under this Act, to report the same to the Lord Advocate, who shall direct such inquiry and take such proceedings as he shall think fit. Trustee to report to Lord Advocate.

181. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence. Offences punishable otherwise.

182. Where an undischarged bankrupt obtains credit to the extent of ten pounds or upwards from any person without informing such person that he is an undischarged bankrupt, he shall be guilty of a crime and offence, and may be dealt with and punished as if he had been guilty of a crime and offence under section one hundred and seventy-eight subsection (B) of this Act, and that section shall apply accordingly. Undischarged bankrupt obtaining credit.

Frauds and Disabilities.

183. In the application of section thirty-two of the Bankruptcy Act, 1883, to Scotland, the following provisions shall have effect:— Application of s. 32 of Bankruptcy Act, 1883, to Scotland.

(1) The expression "adjudged bankrupt" shall include the case of a person whose estate has been sequestrated by a competent court in Scotland:

(2) A person adjudged bankrupt shall be disqualified from being elected to or holding or exercising the office of dean of guild, deacon-convener of trades, or member of a town, county, or parish council or school board, or of any local authority under any Act for the time being in force (whether passed before or after the commencement of this Act) relating to local government in Scotland:

(3) The disqualifications to which a person adjudged bankrupt is subject under the said section as amended by this Act shall be removed and cease if and when—

(*a*) The sequestration of his estate is recalled or reduced; or

(*b*) He obtains his discharge from a competent court.

Application of ss. 33 and 34 of said Act to Scotland.

184. Sections thirty-three and thirty-four of the Bankruptcy Act, 1883, shall apply to Scotland, subject to the following provisions:—

(1) In each of the said sections the expression "adjudged bankrupt" shall have the meaning assigned to it in the immediately preceding section of this Act:

(2) In the said section thirty-three the expression "order" shall include "deliverance or decree," and the expression "court" shall include the court in Scotland pronouncing the deliverance or decree:

(3) The said section thirty-four shall be deemed to apply to any person whilst holding the office of dean of guild, deacon-convener of trades, or member of a town, county, or parish council or school board, or of any local authority under any Act for the time being in force (whether passed before or after the commencement of this Act) relating to local government in Scotland.

Voluntary Trust Deeds for behoof of Creditors.

Audit of trustee's accounts.

185. In the case of every voluntary trust deed granted after the commencement of this Act by an insolvent for behoof of his creditors generally, where there is no provision made in gremio of the trust deed for the audit of the trustee's accounts, and the fixing of his remuneration by a committee of the creditors, or where such committee is not appointed or does not act, the trustee, before making a final division of the estate among the creditors, shall submit his accounts to the accountant, who shall audit the same and fix the amount of the trustee's remuneration; and the accountant may, and is hereby authorised to make such regulations as he may deem expedient for giving effect to the requirements of this section. Any trustee who shall fail to observe the provisions of this section, or of the regulations, if any, made by the accountant, shall forfeit all claim to commission or other remuneration in respect of his acting as trustee.

Miscellaneous Provisions.

Punishment of wilful falsehood.

186. If any person shall be guilty of wilful falsehood in any oath made in pursuance of this Act, he shall be liable to a prosecution, either at the instance of the Lord Advocate, or at the instance of the trustee, with the concurrence of the Lord Advocate; provided that, in the latter case, the prosecution shall be authorised by a majority of the creditors present at a meeting to be called for the purpose; and such person shall, on conviction, besides the awarded punishment, forfeit to the trustee, for behoof of the creditors, his whole right, claim, and interest in or upon the sequestrated estate, and the same shall be distributed, either under the sequestration, or, if it be closed, under a process of multiplepoinding, as is hereinbefore provided.

Trustee may be authorised to receive and open post letters.

187. The Lord Ordinary or sheriff, on cause shown, may order that for a period not exceeding three months from the date of the order all letters addressed to the bankrupt shall be delivered by the Postmaster-General, or the officers acting under him, to the sheriff clerk or trustee, to be opened in presence of the sheriff, after written notice to the bankrupt to attend, if within Scotland; and, in case the letters shall relate in whole or in part to the estate, they shall be placed in such custody as the sheriff may direct; and the Lord Ordinary or sheriff may, on cause shown, renew such order for a like period as often as shall be necessary.

Gazette keeper to furnish copies of Gazette.

188. The keeper of the Gazette shall, on each day of publication, furnish a copy thereof to the keeper of edictal citations and to the Bill chamber clerks, and to the accountant, who shall keep the same regularly filed, and make the said Gazettes on all occasions patent to the lieges at office hours.

Conveyances, deeds, &c. relating to estates of bankrupts, not liable to stamp or other duties.

189. All conveyances, assignations, instruments, discharges, writings, or deeds relating solely to the estate belonging to any bankrupt against whom sequestration has been or may be awarded, either under this or any former Act, and which estate, after the execution of such conveyances, assignations, instruments, discharges, writings, or deeds, shall be and remain the property of such bankrupt, for the benefit of his creditors, or the trustees appointed or chosen under or by virtue of such sequestration, and all discharges to such bankrupt, and all deeds, assignations, instruments, or writings for reinvesting such bankrupt in the estate, and all powers of attorney, commissions, factories, oaths, affidavits, articles of roup or sale, submissions, decrees arbitral, and all other instruments and writings whatsoever, relating solely to the estate of such bankrupt, and all other deeds or writings forming a part of the proceedings ordered under such sequestration, shall be exempt from all stamp duties or other Government duty.

Power to Court of Session, by act of sederunt, to apportion duties and regulate procedure in relation to this Act.

190. It shall be lawful for the judges of the Court of Session, either during session or vacation, by an act or acts of sederunt, from time to time to apportion the duties to be performed by the officers in the Bill chamber, or in the said court, or in the sheriff courts, and to regulate procedure in relation to this Act, in so far as consistent therewith, and to make regulations with regard to the finding of caution by trustees, and to alter, amend, or add to the provisions of this Act regulating procedure in summary sequestrations and the forms contained in the schedules hereto, and to establish a table of fees to be allowed to agents, both in the Court of Session and sheriff courts, for conducting the proceedings, and to prescribe, with the sanction of the Treasury, a scale of fees and percentages to be paid to the accountant for and in respect of proceedings under this Act, and to amend or alter such act or acts from time to time.

Repeal.

191.—(1) The Acts mentioned in the Schedule I. to this Act are hereby repealed to the extent and effect shown in the third column of that schedule.

(2) Notwithstanding the provisions of this section, every process of cessio bonorum initiated before the commencement of this Act shall proceed in the same manner and with the same incidents as if this Act had not passed, and for the purpose of every such process the Act or Acts under which the process was initiated shall be deemed to remain in full force.

Commencement.

192. This Act shall come into operation on the first day of January nineteen hundred and fourteen, and all proceedings subsequent to that date in every sequestration initiated prior thereto, shall, subject to the provisions of section one hundred and seventy-seven of this Act, be regulated by the provisions of this Act: Provided that this Act shall not operate—

(1) So as to transfer to or vest in the trustee in any sequestration so initiated any property, right, title, or interest of the debtor which has not already been so transferred or vested, and would not have been so transferred or vested if this Act had not passed; or

(2) So as to oblige or compel the bankrupt in any sequestration so initiated to grant any deed for the recovery or disposal of his estate, which he could not have been obliged or compelled to grant if this Act had not passed.

Sections 44, 101.

The SCHEDULES referred to in this Act.

SCHEDULE A.

No. 1.

Abbreviate for the Registers of Inhibitions and Adjudications.

Petition for sequestration of *A.B.* [*name and designation*].

Date of first deliverance day of .

(Signed) *C.D.* [*if an agent, state so.*]

Date .

No. 2.

Certificate by the Keeper.

This abbreviate was presented by [*or* received by post from] [*name and design the presenter or party transmitting by post*] and recorded on [*date*] in the Registers of Inhibitions and Adjudications.

(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate.

Petition for transferring, in terms of the Bankruptcy (Scotland) Act, 1913, from *A.B.* [*name and designation*], as heir of *C.D.* [*name and designation*], the estates of *C.D.*, date of deliverance day of .

(Signed) *G.H.* [*if an agent, state so.*]

Date .

No. 4.

Memorandum.

Renew abbreviate in sequestration of *A.B.* [*name and designation*], [*insert date of recording of abbreviate*], day of .

(Signed) *C.D.* [*if an agent, state so.*]

Date .

SCHEDULE B.

Section 44

Notice to the Gazettes.

The estates of *A.B.* [*name and designation*] were sequestrated on [*date, month, and year*] by the [Court of Session *or* sheriff of].

The first deliverance is dated the [*date*].

The meeting to elect the trustee and commissioners is to be held at [*hour*] o'clock on [*day of the week*] the [*date, month, and year*], within [*specify particular place*] in [*town*]. A composition may be offered at this meeting; and to entitle creditors to the first dividend their oaths and grounds of debt must be lodged on or before the [*insert date*].

All future advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P.Q.*, agent [*specify place of business*].

SCHEDULE C.

Section 69.

Form of Bond of Caution for Trustee.

I *A.B.* [*name and designation*], having been appointed trustee on the sequestrated estate of *C.D.* [*name and designation*], and I *E.F.* [*designation*] as cautioner, surety, and full debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our heirs and executors, that I the said *A.B.* shall faithfully discharge all the duties which by law attach to the said office of trustee, and fully account for my whole intromissions with the said estate, and make payment of any balance due by me to the creditors on the said estate, or trustee elected by them to succeed me; declaring that this bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any omission, negligence, or want of diligence on the part of the creditors or commissioners on the said estate. [*In case the caution has been*

limited by the creditors, the following clause will be here inserted: And declaring further, that this bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater extent than the sum of [*here insert sum in writing*], to which my obligation before written is hereby limited.] In witness whereof this bond (so far as not printed), written and filled up by [*here shall be inserted in writing a testing clause in legal form*].

(Signed) *A.B.*
E.F.

O.T., witness.
L.F., witness.

Section 70.

SCHEDULE D.

ACT AND WARRANT ON CONFIRMATION OF THE TRUSTEE.

[*Place and date.*]

The sheriff of the county of [*insert county*] has confirmed and hereby confirms *A.B.* [*name and designation*] trustee on the sequestrated estate of *C.D.* [*name and designation*]; and the whole of the estates and effects, heritable and moveable, and real and personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as trustee for behoof of the creditors of the said *C.D.*, in terms of the Bankruptcy (Scotland) Act, 1913; and the said *A.B.* has, as trustee aforesaid, in terms of the said Act, full right and power to sue for and recover all estates, effects, debts, and money belonging or due to the said *C.D.*

(Signed) *C.D.*, sheriff clerk.

Sections 75, 101, 145.

SCHEDULE E.

No. 1.

Abbreviate for the Registers of Inhibitions and Adjudications.

The whole estates and effects, heritable and moveable, and real and personal, wherever situated, of *A.B.* [*name and designation*], are transferred and belong to *E.F.* [*name and designation*], as trustee on his sequestrated estate, conform to act and warrant of confirmation dated the day of , issued in terms of the Bankruptcy (Scotland) Act, 1913.

[*Signed by the trustee or his agent.*]

No. 2.

Certificate by the Keeper.

This abbreviate was presented by [*name and designation*] and recorded on [*date*] in the registers of inhibitions and adjudications.

(Signed) *E.F.*, keeper.

No. 3.

Abbreviate of Adjudication.

The estates vested in *A.B.* [*name and designation*] as heir of *C.D.* [*name and designation*] are transferred and belong to *E.F.* [*name and designation*], as trustee on the sequestrated estate of the said *C.D.*, conform to deliverance by the Lord Ordinary [*or* the sheriff], dated the day of , and in terms of the Bankruptcy (Scotland) Act, 1913.

[*Signed by the trustee or his agent.*]

No. 4.

Abbreviate of Deliverance of Discharge.

A.B. [*name and designation*] has been discharged of all debts and obligations contracted or for which he was liable at the date of the sequestration of his estates [*if upon composition add as follows :*—" the " said sequestration declared at an end and the said *A.B.* reinvested in " his estates on composition of [*insert amount*] "] conform to deliverance by the Lord Ordinary [*or* the sheriff] dated the day of and in the terms of the Bankruptcy (Scotland) Act, 1913.

[*Signed by the bill chamber clerk or sheriff clerk.*]

[*Date.*]

No. 5.

Abbreviate Extract of Deliverance Recalling a Sequestration or Declaring a Sequestration at an End.

The sequestration of the estates of *A.B.* [*name and designation*], the first deliverance in which is dated [*insert date*], has been recalled [*or* declared at an end], conform to deliverance by the Lord Ordinary [*or as the case may be*] dated [*insert date*], in terms of the Bankruptcy (Scotland) Act, 1913.

Extracted day of

D.E., clerk of bills
[*or* sheriff clerk].

SCHEDULE F.

Section 83.

For the Gazette.

Sequestration of *C.D.* [*Designation*].

A.B. [*name and designation*] has been elected trustee on the estate, and *E.F.* and *G.* [*names and designations*] have been elected commissioners. The examination of the bankrupt will take place in the sheriff court house [*or other place*] on [*day of week*] the [*date*] of [*month*] next, at [*hour*]. The creditors will meet in [*specify the place, day, date, month, and hour*] o'clock. [*If any offer of composition has been entertained at the meeting for election of trustee, intimate this as provided by the Act.*]

[*Signed by the trustee.*]

[*Date.*]

Section 156.

SCHEDULE G.

REGISTER OF SEQUESTRATIONS.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning or Concurring Creditor.	Whether Sequestration awarded by Sheriff (*stating the County*) or by Court of Session.	Division of the Court, if by Court of Session.	To what Sheriff remitted.	Date of first Deliverance.	Date of awarding. (If recalled, Entry to be in this Column.)	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners' Names and Designations.	Date of Bankrupt's Discharge.	Bankrupt's Discharge on or without Composition.	Date of Trustee's Discharge.

SCHEDULE H.

ANNUAL RETURN BY EACH TRUSTEE WITHIN FOURTEEN DAYS AFTER THE THIRTY-FIRST DAY OF DECEMBER, AND BY EACH SHERIFF CLERK WITHIN FOURTEEN DAYS THEREAFTER.

Name and Designation of Bankrupt.	County and Place.	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designations of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realised.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designations of Cautioners.	Dividend—Amount paid or unpaid.	AMOUNT OF EXPENSES.		
												Trustee's Commission.	Law Expenses.	Miscellaneous.

Signed by trustee and by sheriff clerk.

Section 157.

Section 191.

SCHEDULE I.

Year and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Will. IV. c. 56.	The Cessio (Scotland) Act, 1836	The whole Act.
19 & 20 Vict. c. 79.	The Bankruptcy (Scotland) Act, 1856.	The whole Act.
20 & 21 Vict. c. 19.	The Bankruptcy and Real Securities (Scotland) Act, 1857.	The whole Act.
23 & 24 Vict. c. 33.	The Bankruptcy (Scotland) Amendment Act, 1860.	The whole Act.
38 & 39 Vict. c. 26.	The Bankruptcy (Scotland) Act, 1875.	The whole Act.
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Section 26.
42 & 43 Vict. c. 40.	The Conveyancing (Scotland) Act, 1874, Amendment Act, 1879.	The whole Act.
43 & 44 Vict. c. 34.	The Debtors (Scotland) Act, 1880.	The whole Act except section 4.
44 & 45 Vict. c. 22.	The Bankruptcy and Cessio (Scotland) Act, 1881.	The whole Act.
47 & 48 Vict. c. 16.	The Bankruptcy, Frauds and Disabilities (Scotland) Act, 1884.	The whole Act.
50 & 51 Vict. c. 69.	The Conveyancing (Scotland) Acts, 1874 and 1879, Amendment Act, 1887.	Section 2.
52 & 53 Vict. c. 39.	The Judicial Factors (Scotland) Act, 1889.	Section 17.
58 & 59 Vict. c. 19.	The Court of Session Consignations (Scotland) Act, 1895.	Sections 10 and 11. Section 16, so far as relating to any sums received by the accountant or deposited in bank in terms of this Act.

CHAPTER 21.

An Act to make further provision with respect to the number and duties of Lords of Appeal in Ordinary, and with respect to the constitution of the Court of Appeal and the Judicial Committee of the Privy Council. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Additional Lords of Appeal. 39 & 40 Vict. c. 59.

1. His Majesty may appoint two Lords of Appeal in Ordinary under section six of the Appellate Jurisdiction Act, 1876, in addition to the four Lords of Appeal in Ordinary whom he may appoint under sections six and fourteen of that Act and the law relating to the appointment and qualifications of Lords of Appeal under the said section six, and to their duties and tenure of office, their rank, salary, and pension, and otherwise, shall apply to any Lord of Appeal appointed under this section: Provided that the sum paid in salaries in any one year to the Lords of Appeal in Ordinary appointed under this Act shall in no case exceed twelve thousand pounds.

Lords of Appeal to be ex-officio judges of Court of Appeal.

2. Every Lord of Appeal in Ordinary, whether appointed before or after the passing of this Act, who at the date of his appointment would have been qualified to be appointed an ordinary judge of the Court of Appeal, or who at that date was a judge of that Court shall be an ex-officio judge of that Court, but no such Lord of Appeal shall be required to sit and act as a judge of the Court of Appeal unless upon the request of the Lord Chancellor he consents so to do, and whilst so sitting and acting he shall rank therein according to his precedence as a peer.

Provisions as to colonial judges becoming members of the Judicial Committee. 58 & 59 Vict. c. 44.

3.—(1) The maximum number of persons (being, or having been, judges in certain parts of His Majesty's dominions) who may become members of the Judicial Committee of the Privy Council by reason of the Judicial Committee Amendment Act, 1895, as amended by any subsequent enactment shall be increased from five to seven, and accordingly seven shall be substituted for five in subsection (2) of section one of that Act.

(2) Section one of the said Act shall have effect as if the persons named therein included any person being or having been Chief Justice or a Judge of the Supreme Court of South Africa.

(3) His Majesty may, by Order in Council, regulate the order in which the persons qualified to become members of the Judicial Committee under the said Act as so amended, are to become members thereof, so as to secure, as far as possible, an

equal distribution of such members amongst the various parts of His Majesty's dominions to which the Act so amended relates.

(4) The enactments mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column
8 Edw. 7. c. 51. of that schedule, and in the schedule to the Appellate Jurisdiction Act, 1908, for the words "Cape of Good Hope, Natal, Transvaal, Orange River Colony" there shall be substituted the words "the Union of South Africa."

Short title. **4.** This Act may be cited as the Appellate Jurisdiction Act, 1913.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
58 & 59 Vict. c. 44.	The Judicial Committee Amendment Act, 1895.	In section one, the words "or "either of the South African "Colonies mentioned in the "said schedule." In the schedule, the words "South African Colonies, "Cape of Good Hope, Natal."
8 Edw. 7. c. 51	The Appellate Jurisdiction Act, 1908.	Subsection (2) of section three.

CHAPTER 22.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants for public works. **1.**—(1) For the purpose of local loans, there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of six million pounds:

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole the sum of six hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887. 50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the Schedule to this Act should, to the extent specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland:

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay that loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan: 1 Edw. 7. c. 35.

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March eighteen hundred and ninety-two, whereby a portion of the "surplus herring brand fees," as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the "surplus herring brand fees" of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal:

And whereas the said portion of the "surplus herring brand fees" so pledged as aforesaid, was in the year ending the thirty-first day of March nineteen hundred and thirteen insufficient

to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds, with interest amounting to one hundred and ninety-five pounds four shillings and sixpence, now remains unpaid and under the terms of the said memorandum of agreement is irrecoverable:

Therefore the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to one hundred and ninety-five pounds four shillings and sixpence shall be remitted.

Remission of certain claims under 5 & 6 Vict. c. 89.

4. Whereas by the Public Works Loans Act, 1905, it was provided that the principal of (amongst others) certain loans under the Drainage (Ireland) Act, 1842, should, to the extent specified in the last column of the schedule to the first-mentioned Act, be written off from the assets of the local loans fund:

And whereas the sums specified in that column of that schedule constitute the balance remaining unpaid out of the total amount advanced under the Drainage (Ireland) Act, 1842, and relate to charges which expired prior to the year eighteen hundred and eighty-eight, and are irrecoverable:

Therefore the principal of the said local loans to the extent aforesaid shall be extinguished, and all arrears of interest thereon shall be remitted.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1913.

Section 2.

SCHEDULE.

PART I.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS.

Loan under the Harbours and Passing Tolls Act, 1861 (24 & 25 *Vict. c.* 47).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
Eyemouth Harbour Trustees - -	10,000	200 0 0

PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) *Loan under the Drainage and Improvement of Lands (Ireland) Act*, 1863 (26 & 27 *Vict. c.* 88).

Name of Proprietor.	Amount of Principal Charge.	Amount to be written off.
	£ s. d.	£ s. d.
Mrs. Dora Hanlon and Mrs. Hannah O'Connor.	72 16 3	36 8 2

(2) *Loan under the Labouring Classes Lodging Houses and Dwellings (Ireland) Act*, 1866 (29 & 30 *Vict. c.* 44).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Mrs. Elizabeth Jane Hall - -	2,350 0 0	89 15 10

(3) *Loans under the Land Law (Ireland) Act*, 1881 (44 & 45 *Vict. c.* 49. *s.* 31).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Samuel Davis - - - - - -	68 0 0	34 7 9
Richard Hurley - - - - -	150 0 0	122 15 8
James Trumble - - - - -	70 0 0	13 5 6

CHAPTER 23.

An Act to amend the Law relating to Public Health as respects the Prevention and Treatment of Disease.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exercise of powers by local authorities within

1. Notwithstanding the provisions of section two hundred and eighty-one of the Public Health Act, 1875, the Local Government Board may by order authorise a local authority having

areas of joint boards.

jurisdiction in any part of a united district to exercise in relation to that part any powers which the joint board are also authorised to exercise, subject, however, to such conditions and restrictions as may be imposed by the order.

Enforcement of epidemic diseases regulations by county councils.
38 & 39 Vict. c. 55.

2. The Local Government Board shall have power to declare that one of the authorities to execute and enforce regulations made by the Board under section one hundred and thirty of the Public Health Act, 1875, with a view to the treatment of persons affected with cholera or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, shall be the council of a county, and that section shall have effect accordingly as if a county council were an authority within the meaning of that section:

Provided that, except in case of emergency, the Local Government Board shall not require the council of a county to execute and enforce any such regulations without the consent of such council.

Treatment of tuberculosis.

3. It shall be lawful for the council of any county or for any sanitary authority to make any such arrangements as may be sanctioned by the Local Government Board for the treatment of tuberculosis: Provided that the power conferred by this section shall be in addition to and not in derogation of any other power.

Expenses.

4. Any expenses incurred under this Act shall, in the case of a sanitary authority be defrayed as part of the expenses incurred by them in the execution of the Public Health Acts, and in the case of a county council as expenses for general county purposes, or, if the Local Government Board by order so direct, as expenses for special county purposes charged on such part of the county as may be provided by the order.

Short title.

5. This Act may be cited as the Public Health (Prevention and Treatment of Disease) Act, 1913.

CHAPTER 24.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1911.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant for purposes of Telegraph Acts.

1.—(1) The Treasury may, with a view to the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, without prejudice to the

exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums not exceeding in the whole the sum of ten million pounds, as may be required by the Postmaster-General for the purpose of developing the telephonic system aforesaid according to estimates approved by the Treasury.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer bonds, and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act. 4 Edw. 7. c. 21.

(5) Section five of the Telephone Transfer Act, 1911 (which relates to audit), shall have effect as if this Act were included amongst the Acts therein mentioned. 1 & 2 Geo. 5. c. 26.

2. This Act may be cited as the Telegraph (Money) Act, 1913, and may be cited with the Telegraph Acts, 1863 to 1911. Short title.

. . . . . .

CHAPTER 25.

An Act to amend the provisions of the Companies (Consolidation) Act, 1908, with respect to private Companies.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) Where the articles of a company include the provisions which, by section one hundred and twenty-one of the Companies (Consolidation) Act, 1908, as amended by this Act, are required to be included therein in order to constitute the company a private company for the purposes of that Act, and default is made in complying with any of those provisions, the company shall cease to be entitled to the privileges and exemptions conferred on private companies under the provisions of that Act mentioned in the Schedule to this Act, and thereupon Amendment of the law relating to private companies. 8 Edw. 7. c. 69.

the said provisions shall apply to the company as if it were not a private company:

Provided that the court, on being satisfied that the failure to comply with the conditions was accidental or due to inadvertence or to some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any other person interested and on such terms and conditions as seem to the court just and expedient, order that the company be relieved from such consequences as aforesaid.

(2) In subsection (1) of the said section one hundred and twenty-one of the Companies (Consolidation) Act, 1908, for paragraph (*b*) the following paragraph shall be substituted:—

"(*b*) limits the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company, were while in such employment and have continued after the determination of such employment to be members of the company) to fifty; and"

(3) Every private company shall send with the annual list of members and summary required to be sent under section twenty-six of the Companies (Consolidation) Act, 1908, a certificate signed by a director or the secretary that the company has not, since the date of the last return, or in the case of a first return since the date of the incorporation of the company, issued any invitation to the public to subscribe for any shares or debentures of the company; and, where the list of members discloses the fact that the number of members of the company exceeds fifty, also a certificate so signed that such excess consists wholly of persons who under section one hundred and twenty-one of that Act, as amended by this section, are to be excluded in reckoning the number of fifty.

Short title and construction.

2. This Act may be cited as the Companies Act, 1913, and shall be construed as one with the Companies (Consolidation) Act, 1908, and that Act and this Act may be cited together as the Companies Acts, 1908 and 1913.

Section 1.

SCHEDULE.

PROVISIONS OF THE COMPANIES (CONSOLIDATION) ACT, 1908.

Subsection (3) of section twenty-six (which relates to the making of an annual return in the form of a balance sheet).

Section one hundred and fourteen (which relates to the right of preference shareholders and debenture holders to receive and inspect balance sheets and reports).

Section one hundred and fifteen (which relates to the minimum number of members with which a company may continue to carry on business).

Paragraph (iv) of section one hundred and twenty-nine (which makes the reduction of the number of members of a company below the minimum a ground for the winding up of the company).

CHAPTER 26.

An Act to provide a Special Grant for the purpose of improving Medical Service in the Highlands and Islands of Scotland, and for other purposes connected therewith. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Highlands and Islands (Medical Service) Grant.

1.—(1) In every financial year there shall be paid out of money to be provided by Parliament the sum of forty-two thousand pounds, which shall be called the Highlands and Islands (Medical Service) Grant, and shall be paid to a separate fund to be called the Highlands and Islands (Medical Service) Fund.

(2) The Highlands and Islands (Medical Service) Fund shall, subject to such regulations as may be made by the Treasury with respect to accounts, audit, and accumulation of the fund, be administered and applied by the Highlands and Islands (Medical Service) Board (hereinafter called the Board) appointed under this Act, in accordance with a scheme or schemes to be prepared by them and approved by the Secretary for Scotland with the consent of the Treasury, for the purpose of improving medical service, including nursing, in the Highlands and Islands of Scotland, and otherwise providing and improving means for the prevention, treatment, and alleviation of illness and suffering therein.

Appointment of Board.

2.—(1) For the purposes of this Act, it shall be lawful for His Majesty, by warrant under his sign manual, to appoint a board consisting of not less than five and not more than nine members, one of whom shall be a woman, to be called the Highlands and Islands (Medical Service) Board. One of the members of the Board shall be appointed by His Majesty to be chairman of the Board.

(2) The Board may act by any four, or, if the total number of the Board is six or less, by any three of their number, and notwithstanding any vacancy in their number.

(3) The Secretary for Scotland may appoint a secretary to the Board and the Board may, with the consent of the Treasury

as to numbers, appoint and employ such officers and servants for the purposes of this Act as they think necessary, and may remove any officer or servant so appointed or employed, and there shall be paid to the secretary, officers and servants such salaries or remuneration as the Board, or in the case of the secretary, the Secretary for Scotland, with the consent of the Treasury, may determine.

(4) The salary of the secretary and the salaries or remuneration of the officers and servants, and any expenses incurred by the Board in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

(5) The Board shall make an annual report of their proceedings to the Secretary for Scotland, and that report shall forthwith be laid before Parliament.

Supplemental provisions with respect to schemes.

3.—(1) Provision shall be made by scheme under this Act for the conditions under which any money from the Highlands and Islands (Medical Service) Fund placed at the disposal of local authorities, insurance committees, district nursing associations, or other bodies or persons or any joint committee of local authorities or insurance committees or of local authorities and insurance committees is to be applied by them, and as respects any money from that Fund which is to be applied by the Board, as to the purposes for which it is to be so applied.

(2) Where under any such scheme any money is to be applied by the Board for the purpose of building houses for medical practitioners or nurses, or for the purpose of building hospitals, or for any other purposes for which land may be required, the Board, if the money is to be applied by them, shall, if the scheme so provides, have the like powers for those purposes with respect to the acquisition, holding, and disposal of land as authorities under the Public Health (Scotland) Act, 1897, have for the purposes of that Act and that Act shall be construed accordingly.

60 & 61 Vict. c. 38.

(3) Where under any such scheme any money is to be applied by a local authority for any purpose, that authority shall have all such powers for the purpose as the scheme may provide, and, if the scheme so provides, any powers vested in a local authority of acquiring land, or erecting buildings, or borrowing on the security of any rate for any purpose, shall be extended so as to include the purposes of the scheme, and any Act conferring any such power shall be construed accordingly.

(4) Any scheme under this Act may be revoked or varied by a scheme prepared and approved in like manner as the original scheme.

(5) The provisions of section fifteen of the Public Health (Scotland) Act, 1897, with respect to the removal of a medical

officer by or with the sanction of the Local Government Board for Scotland shall, within the areas specified in the schedule to this Act, extend to any medical practitioner appointed by a parish council for the purpose of any duties of that council.

Gifts to Board. 8 Edw. 7. c. 62.

4. The provisions of section fifteen of the Local Government (Scotland) Act, 1908, with respect to the transfer of hospitals, sanatoria, or houses of reception, and land connected or used therewith, shall apply with respect to transfers to the Board as they apply with respect to transfers to a local authority, with the substitution of the Secretary for Scotland for the Local Government Board for Scotland, and shall be extended so as to include power to transfer to the Board any building or land for any purposes for which money is to be applied by the Board.

Definitions.

5. In this Act—

The expression "Highlands and Islands" means the areas specified in the Schedule to this Act.

The expression "local authority" means county councils and any authority under the Public Health (Scotland) Act, 1897, and parish councils, school boards, and secondary education committees, and includes any joint committee of local authorities, and local authorities and insurance committees shall have power to appoint joint committees for the purpose of this Act.

Short title and duration.

6.—(1) This Act may be cited as the Highlands and Islands (Medical Service) Grant Act, 1913.

(2) The powers of the Board under this Act shall, unless continued by Parliament, cease on the thirty-first day of December nineteen hundred and seventeen, and, in the event of their so ceasing, His Majesty may, by Order in Council, provide for the administration and application of the Highlands and Islands (Medical Service) Fund, and for the exercise and performance of any powers and duties under this Act or under any scheme made under this Act by such other persons, bodies or local authorities as His Majesty thinks fit to substitute for the Board.

SCHEDULE.

Section 5.

HIGHLANDS AND ISLANDS.

The counties of—

Argyll;
Caithness;
Inverness (excluding the Burgh of Inverness);

Ross and Cromarty ;
Sutherland ;
Orkney ; and
Zetland.
The Highland District of the County of Perth as presently constituted in terms of the Local Government (Scotland) Act, 1889.

CHAPTER 27.

An Act to consolidate, simplify, and amend the Law relating to Forgery and kindred Offences.

[15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Definition of forgery.

1.—(1) For the purposes of this Act, forgery is the making of a false document in order that it may be used as genuine, and in the case of the seals and dies mentioned in this Act the counterfeiting of a seal or die, and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided.

(2) A document is false within the meaning of this Act if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making ; or if, though made by or on behalf or on account of the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein ; and in particular a document is false :—

(*a*) if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein ;

(*b*) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person ;

(*c*) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of this Act—

(*a*) it is immaterial in what language a document is expressed or in what place within or without the King's dominions it is expressed to take effect ;

(*b*) Forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;

(*c*) The crossing on any cheque, draft on a banker, post-office money order, postal order, coupon, or other document the crossing of which is authorised or recognised by law, shall be a material part of such cheque, draft, order, coupon, or document.

Forgery of certain documents with intent to defraud.

2.—(1) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with penal servitude for life:—

(*a*) Any will, codicil, or other testamentary document, either of a dead or of a living person, or any probate or letters of administration, whether with or without the will annexed;

(*b*) Any deed or bond, or any assignment at law or in equity of any deed or bond, or any attestation of the execution of any deed or bond;

(*c*) Any bank note, or any indorsement on or assignment of any bank note.

(2) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with penal servitude for any term not exceeding fourteen years:—

(*a*) Any valuable security or assignment thereof or endorsement thereon, or, where the valuable security is a bill of exchange, any acceptance thereof;

(*b*) Any document of title to lands or any assignment thereof or endorsement thereon;

(*c*) Any document of title to goods or any assignment thereof or endorsement thereon;

(*d*) Any power of attorney or other authority to transfer any share or interest in any stock, annuity, or public fund of the United Kingdom or any part of His Majesty's dominions or of any foreign state or country or to transfer any share or interest in the debt of any public body, company, or society, British or foreign, or in the capital stock of any such company or society, or to receive any dividend or money payable in respect of such share or interest or any attestation of any such power of attorney or other authority;

(*e*) Any entry in any book or register which is evidence of the title of any person to any share or interest hereinbefore mentioned or to any dividend or interest payable in respect thereof;

(*f*) Any policy of insurance or any assignment thereof or endorsement thereon;

(*g*) Any charter-party or any assignment thereof;

(*h*) Any declaration, warrant, order, affidavit, affirmation, certificate, or other document required or authorised to be made by or for the purposes of the Government Annuities Act, 1829, or the Government Annuities Act, 1832, or by the National Debt Commissioners acting under the authority of the said Acts ;

10 Geo. 4. c. 24. 2 & 3 Will. 4. c. 59.

(*i*) Any certificate of the Commissioners of Inland Revenue or any other Commissioners acting in execution of the Income Tax Acts ;

(*j*) Any certificate, certificate of valuation, sentence or decree of condemnation or restitution, or any copy of such sentence or decree, or any receipt required by the Slave Trade Acts.

Forgery of certain documents with intent to defraud or deceive.

3.—(1) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with penal servitude for life :—

Any document whatsoever having thereupon or affixed thereto the stamp or impression of the Great Seal of the United Kingdom, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used, and continued in Scotland, the Great Seal of Ireland or the Privy Seal of Ireland.

(2) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with penal servitude for any term not exceeding fourteen years :—

(*a*) Any register or record of births, baptisms, namings, dedications, marriages, deaths, burials, or cremations, which now is, or hereafter may be, by law authorised or required to be kept in the United Kingdom, relating to any birth, baptism, naming, dedication, marriage, death, burial, or cremation, or any part of any such register, or any certified copy of any such register, or of any part thereof ;

(*b*) Any copy of any register of baptisms, marriages, burials, or cremations, directed or required by law to be transmitted to any registrar or other officer ;

(*c*) Any register of the birth, baptism, death, burial, or cremation of any person to be appointed a nominee under the provisions of the Government Annuities Act, 1829, or any copy or certificate of any such register, or the name of any witness to any such certificate ;

(*d*) Any certified copy of a record purporting to be signed by an assistant keeper of the Public Records in England ;

(*e*) Any wrapper or label provided by or under the authority of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise.

(3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with penal servitude for any term not exceeding seven years :—

(*a*) Any official document whatsoever of or belonging to any court of justice, or made or issued by any judge, magistrate, officer, or clerk of any such court;

(*b*) Any register or book kept under the provisions of any law in or under the authority of any court of justice ;

(*c*) Any certificate, office copy, or certified copy of any such document, register, or book or of any part thereof ;

(*d*) Any document which any magistrate or any master or registrar in lunacy is authorised or required by law to make or issue ;

(*e*) Any document which any person authorised to administer an oath under the Commissioners for Oaths Act, 1889, is authorised or required by law to make or issue ; 52 Vict. c. 10.

(*f*) Any document made or issued by an officer of state or law officer of the Crown, or any document upon which, by the law or usage at the time in force, any court of justice or any officer might act ;

(*g*) Any document or copy of a document used or intended to be used in evidence in any Court of Record, or any document which is made evidence by law ;

(*h*) Any certificate required by any Act for the celebration of marriage ;

(*i*) Any licence for the celebration of marriage which may be given by law ;

(*j*) Any certificate, declaration, or order under any enactment relating to the registration of births or deaths ;

(*k*) Any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I. of the Merchant Shipping Act, 1894, or any entry or endorsement required by the said Part of the said Act to be made in or on any of those documents ; 57 & 58 Vict. c. 60.

(*l*) Any permit, certificate, or similar document made or granted by or under the authority of the Commissioners of Customs and Excise.

Forgery of other documents with intent to defraud or to deceive a misdemeanour.

4.—(1) Forgery of any document, which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud, shall be a misdemeanour and punishable with imprisonment with or without hard labour for any term not exceeding two years.

(2) Forgery of any public document which is not made felony under this or any other statute for the time being in

force, if committed with intent to defraud or deceive, shall be a misdemeanour and punishable with imprisonment with or without hard labour for any term not exceeding two years.

Forgery of seals and dies.

5.—(1) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for life :—

(*a*) The Great Seal of the United Kingdom, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used, and continued in Scotland, the Great Seal of Ireland or the Privy Seal of Ireland ;

(*b*) The seal of the Public Record Office in England ;

(*c*) The seal of any court of record ;

(*d*) The seal of the office of the Registrar-General of Births, Deaths, and Marriages.

(2) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony, and punishable with penal servitude for any term not exceeding fourteen years :—

(*a*) The seal of any register office relating to births, baptisms, marriages, or deaths ;

(*b*) The seal of any burial board or of any local authority performing the duties of a burial board ;

(*c*) The seal of or belonging to any office for the registry of deeds or titles to lands.

(3) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for any term not exceeding seven years :—

(*a*) The seal of any court of justice other than a court of record ;

(*b*) The seal of the office of any master or registrar in lunacy.

(4) Forgery of the following dies, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for any term not exceeding fourteen years :—

(*a*) Any die provided, made, or used by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise ;

(*b*) Any die which is or has been required or authorised by law to be used for the marking or stamping of gold or silver plate, or gold or silver wares.

(5) Forgery of the following die, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for any term not exceeding seven years :—

32 & 33 Vict. c. 49.

Any stamp or die provided, made, or used in pursuance of the Local Stamp Act, 1869.

Uttering.

6.—(1) Every person who utters any forged document, seal, or die shall be guilty of an offence of the like degree (whether

felony or misdemeanour) and on conviction thereof shall be liable to the same punishment as if he himself had forged the document, seal, or die.

(2) A person utters a forged document, seal, or die, who, knowing the same to be forged, and with either of the intents necessary to constitute the offence of forging the said document, seal, or die, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged document, seal, or die.

(3) It is immaterial where the document, seal, or die was forged.

Demanding property on forged documents, &c.

7. Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered, paid or transferred to any person, or endeavours to receive or obtain or to cause or procure to be delivered, paid or transferred to any person any money, security for money or other property, real or personal :—

(*a*) under, upon, or by virtue of any forged instrument whatsoever, knowing the same to be forged ; or

(*b*) under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit.

Possession of forged documents, seals, and dies.

8.—(1) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note, knowing the same to be forged.

(2) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession—

(*a*) any forged die required or authorised by law to be used for the marking of gold or silver plate, or of gold or silver wares, or any ware of gold, silver, or base metal bearing the impression of any such forged die ;

(*b*) any forged stamp or die as defined by the Stamp Duties Management Act, 1891 ; 54 & 55 Vict. c. 38.

(*c*) any forged wrapper or label provided by or under the authority of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise.

(3) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession :—

Any forged stamp or die, resembling or intended to resemble either wholly or in part any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of the Local Stamp Act, 1869.

Making or having in possession paper or implements for forgery.

9. Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused :—

(*a*) Makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as—

(i) Special paper such as is provided and used for making any bank note, Treasury bill, or London county bill ;

(ii) Revenue paper ;

(*b*) Makes, uses, or knowingly has in his custody or possession, any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any such paper ;

(*c*) Engraves or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines, or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines, or devices peculiar to and used in or on any bank note, or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty's Dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's dominions ;

(*d*) Uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines, or devices have been engraved or in anywise made as aforesaid ;

(*e*) Uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines, or devices have been printed or in anywise made as aforesaid.

Purchasing or having in possession certain paper before it has been duly stamped and issued.

10. Every person shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, who, without lawful authority or excuse the proof whereof shall lie

on the accused, purchases, receives, or knowingly has in his custody or possession—

(*a*) Any special paper provided and used for making Treasury bills or London county bills or any Revenue paper before such paper has been duly stamped, signed, and issued for public use :

(*b*) Any die peculiarly used in the manufacture of any such paper.

Accessories and abettors.

11. Any person who knowingly and wilfully aids, abets, counsels, causes, procures, or commands the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried, and punished as a principal offender.

Punishments.

12.—(1) Where a sentence of penal servitude may be imposed on conviction of an offence against this Act, the court may, instead thereof, impose a sentence of imprisonment, with or without hard labour, for not more than two years.

(2)—(*a*) On conviction of a misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender :

(*b*) On conviction of a felony punishable under this Act, the court, in addition to imposing a sentence of penal servitude or imprisonment, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour :

(*c*) On conviction of a misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour :

(*d*) No person shall be imprisoned under this section for more than one year for not finding sureties.

Jurisdiction of quarter sessions in England.

13. A court of quarter sessions in England shall not have jurisdiction to try an indictment for any offence against this Act or for an offence which, under any enactment for the time being in force, is declared to be forgery or to be punishable as forgery.

Venue.

14.—(1) A person charged—

(*a*) with an offence against this Act ; or

(*b*) with an offence indictable at common law or under any Act for the time being in force consisting in the forging or altering of any matter whatsoever, or in offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered ;

may be proceeded against, indicted, tried, and punished in any county or place in which he was apprehended or is in custody as if the offence had been committed in that county or place ;

and for all purposes incidental to or consequential on the prosecution, trial, or punishment of the offence, it shall be deemed to have been committed in that county or place:

Provided that, where the offence charged relates to documents made for the purpose of any Act relating to the suppression of the slave trade, it shall, for the purposes of jurisdiction and trial, be treated as an offence against the Slave Trade Act, 1873.

36 & 37 Vict. c. 88.

(2) Nothing in this section shall affect the laws relating to the government of His Majesty's naval or military forces.

Criminal possession.

15. Where the having any document, seal, or die in the custody or possession of any person is in this Act expressed to be an offence, a person shall be deemed to have a document, seal or die in his custody or possession if he—

(*a*) has it in his personal custody or possession; or

(*b*) knowingly and wilfully has it in the actual custody or possession of any other person, or in any building, lodging, apartment, field, or other place, whether open or enclosed, and whether occupied by himself or not.

It is immaterial whether the document, matter, or thing is had in such custody, possession, or place for the use of such person or for the use or benefit of another person.

Search warrants.

16.—(1) If it shall be made to appear by information on oath before a justice of the peace that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse—

(*a*) any bank note; or

(*b*) any implement for making paper or imitation of the paper used for bank notes; or

(*c*) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of a bank note; or

(*d*) any forged document, seal, or die; or

(*e*) any machinery, implement, utensil, or material used or intended to be used for the forgery of any document;

the justice may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize it and carry it before a justice of the county or place in which the warrant was issued, to be by him disposed of according to law.

(2) Every document, seal, or die lawfully seized under such warrant shall be defaced and destroyed or otherwise disposed of—

(*a*) by order of the court before which the offender is tried; or

(*b*) if there be no trial, by order of a justice of the peace; or

(*c*) if it affects the public revenue, by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, as the case may require ; or

(*d*) if it affects any of the companies of Goldsmiths or Guardians referred to in the Gold and Silver Wares Act, 1844, by the said company or guardians. 7 & 8 Vict. c. 22.

Form of indictment and proof of intent.

17.—(1) In an indictment or information for an offence against this Act with reference to any document, seal, or die, it is sufficient to refer to the document, seal, or die by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the document, seal, or die.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Act, or under any other Act relating to forgery or any kindred offence for the time being in force, it shall not be necessary to allege in the indictment or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive, as the case may require.

(3) If any person who is a member of any co-partnership, or is one of two or more beneficial owners of any property, forges any document, matter, or thing with intent to defraud the co-partnership or the other beneficial owners, he is liable to be dealt with, indicted, tried, and punished as if he had not been or was not a member of the co-partnership, nor one of such beneficial owners.

Interpretation.

18.—(1) In this Act unless the context otherwise requires—

The expression "bank note" includes any note or bill of exchange of the Bank of England or Bank of Ireland, or of any other person, body corporate, or company carrying on the business of banking in any part of the world, and includes "bank bill," "bank post bill," "blank bank note," "blank bank bill of exchange," and "blank bank post bill" :

The expression "die" includes any plate, type, tool, or implement whatsoever, and also any part of any die plate, type, tool, or implement, and any stamp or impression thereof or any part of such stamp or impression :

The expression "document of title to goods" includes any bill of lading, India warrant, dock warrant, warehouse keepers certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or by delivery the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to :

The expression "document of title to lands" includes any deed, map, roll, register, or instrument in writing being or containing evidence of the title or any part of the title to any land or to any interest in or arising out of any land, or any authenticated copy thereof:

The expression "revenue paper" means any paper provided by the proper authority for the purpose of being used for stamps, licences, permits, Post Office money orders, or postal orders, or for any purpose whatever connected with the public revenue:

The expression "seal" includes any stamp or impression of a seal or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal, as well as the seal itself:

The expression "stamp" includes a stamp impressed by means of a die as well as an adhesive stamp:

The expression "Treasury bill," includes Exchequer bill, Exchequer bond, Exchequer debenture, and War bond:

The expression "valuable security" includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty's dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's dominions, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for the payment of money, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal.

(2) References in this Act to any Act in force at the commencement of this Act shall be held to include a reference to that Act as amended, extended, or applied by any other Act.

(3) References in this Act to any Government department shall in relation to any functions performed by that department be held to include references to any other Government department by which the same functions were previously performed.

Savings.

19.—(1) Where an offence against this Act also by virtue of some other Act subjects the offender to any forfeiture or disqualification, or to any penalty other than penal servitude or imprisonment or fine, the liability of the offender to punishment under this Act shall be in addition to and not in substitution for his liability under such other Act.

(2) Where an offence against this Act is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act: Provided that where such an offence was at the commencement of this Act punishable only on summary conviction, it shall remain only so punishable.

20. The enactments specified in the schedule to this Act are hereby repealed as to England and Ireland to the extent specified in the third column of that schedule. Repeals.

21. This Act shall not extend to Scotland. Extent.

22. This Act may be cited as the Forgery Act, 1913, and shall come into operation on the first day of January one thousand nine hundred and fourteen. Short title and commencement.

SCHEDULE.

Enactments Repealed.

Part I.

Enactments applicable to England and also in some cases to Ireland.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
13 Geo. 3. c. 52.	The Plate Assay (Sheffield and Birmingham) Act, 1772.	Section fourteen from "shall cast, forge, or counterfeit" to "maker or worker of silver "plate, or any or either of "them; or," where those words thirdly occur; the words "any such forged or counter- "feit mark, stamp, or impres- "sion thereon, or"; the words "forged, counterfeited, or," and from "or shall wilfully or "knowingly have or be pos- "sessed of" to "maker or "worker of silver plate, or any "or either of them;" where those words lastly occur.
52 Geo. 3. c. 143.	The Land Tax Certificates Forgery Act, 1812.	The whole Act so far as unrepealed.
5 Geo. 4. c. lii.	The Birmingham Assay Act, 1824.	Section twenty-two from "shall cast, forge, or counterfeit" to "maker or worker of gold "or silver plate, or any or "either of them, or," where those words secondly occur; the words "any such forged "or counterfeited mark, stamp, "or impression thereon, or," the words "forged or counterfeited or," and from "or "shall wilfully or knowingly "have or be possessed of" to "maker or worker of gold or "silver plate, or any or either "of them," where those words lastly occur.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 Geo. 4. c. 113.	The Slave Trade Act, 1824.	Section ten from "or shall wilfully and fraudulently forge" to "body politic or corporate."
7 Geo. 4. c. 16.	The Chelsea and Kilmainham Hospitals Act, 1826.	Section thirty-eight from "or if any person shall forge" to "any corporation whatsoever."
10 Geo. 4. c. 24.	The Government Annuities Act, 1829.	Section forty-one except in so far as it relates to the offence of personation.
10 Geo. 4. c. 50.	The Crown Lands Act, 1829.	Section one hundred and twenty-four.
2 & 3 Will. 4. c. 16.	The Excise Permit Act, 1832.	Section three. Section four from "shall counterfeit or forge" to "or if any person or persons."
2 & 3 Will. 4. c. 53.	The Army Prize Act, 1832.	Section forty-nine from "or if any person shall forge" to "bodies politic or corporate whatsoever" where those words lastly occur.
2 & 3 Will. 4. c. 59.	The Government Annuities Act, 1832.	Section nineteen except in so far as it relates to the offence of personation.
5 & 6 Will. 4. c. 24.	The Naval Enlistment Act, 1835.	Section three to "for himself or any other person; or"
1 & 2 Vict. c. 94.	The Public Record Office Act, 1838.	Section nineteen from "and every person who" to "Record Office."
2 & 3 Vict. c. 51.	The Pensions Act, 1839.	Section nine.
3 & 4 Vict. c. 92.	The Non-Parochial Registers Act, 1840.	Section eight from "or shall falsely" to "register or record" and the words "or "shall forge or counterfeit the "seal of the said office."
3 & 4 Vict. c. 111.	The Joint Stock Companies Act, 1840.	In section two the word "forgery" in both places where it occurs.
5 & 6 Vict. c. 35.	The Income Tax Act, 1842.	Section one hundred and eighty-one.
7 & 8 Vict. c. 19.	The Inferior Courts Act, 1844.	Section five from "forge the seal" to "knowing the same to be forged or."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 22.	The Gold and Silver Wares Act, 1844.	Section two from the beginning of the section to the words "base metal, and"; the words "any such forged or counterfeit die or other instrument as aforesaid or"; the words "the mark of any such forged or counterfeit die or other instrument as aforesaid, or having thereupon any such forged or counterfeit mark or imitation of a mark as aforesaid or"; and the words "forged, counterfeited, imitated, marked."
8 & 9 Vict. c. 113.	The Evidence Act, 1845.	Section four from "if any person" to "knowing the same to be false or counterfeit, or."
11 & 12 Vict. c. 78.	The Crown Cases Act, 1848.	Section six.
11 & 12 Vict. c. 121.	The Liqueur Act, 1848	Section eighteen from "and every person not being so authorised" to "knowing the same to be counterfeited."
14 & 15 Vict. c. 99.	The Evidence Act, 1851.	Section seventeen.
16 & 17 Vict. c. 45.	The Government Annuities Act, 1853.	Section thirty-one except in so far as it relates to the offence of personation.
16 & 17 Vict. c. 107.	The Customs Consolidation Act, 1853.	Section one hundred and sixteen.
17 & 18 Vict. c. 112.	The Literary and Scientific Institutions Act, 1854.	In section twenty-six the words "or shall forge any deed, bond, security for money, receipt, or other instrument."
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Section twenty-eight.
20 & 21 Vict. c. 81.	The Burials Act, 1857	Section fifteen from "or shall falsely make or counterfeit" to "copy thereof" and the words "or shall forge or counterfeit the seal of any burial board."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
24 & 25 Vict. c. 98.	The Forgery Act, 1861.	Section one. Section two. Section four. Sections seven to twenty-seven, both inclusive. Section twenty-eight from "other than such clerk" to "knowing the same to be forged or" where those words lastly occur. Sections twenty-nine to thirty-three, both inclusive. Section thirty-five. Section thirty-six from "or shall forge" to "or of any part thereof"; the words "or shall "forge or counterfeit the seal "of or belonging to any "register office or burial "board"; the words "or seal"; and the words "forged or altered" in both places where they occur. Section thirty-seven from "or shall forge" to "as aforesaid," where those words first occur. Sections thirty-eight to forty-one, both inclusive. Sections forty-five and forty-six.
25 & 26 Vict. c. 7.	The India Stocks Transfer Act, 1862.	Section fourteen.
25 & 26 Vict. c. 67.	The Declaration of Title Act, 1862.	Section forty-five.
26 & 27 Vict. c. 7.	The Manufactured Tobacco Act, 1863.	Section seven from "and if any person" to the end of the section.
26 & 27 Vict. c. 73.	The India Stock Certificate Act, 1863.	Section thirteen. Section fifteen.
29 & 30 Vict. c. 25.	The Exchequer Bills and Bonds Act, 1866.	Section fifteen. Section twenty. Section twenty-one. In section twenty-five the words "fifteen, twenty, twenty-one." In section twenty-six the words "twenty, twenty-one."
31 & 32 Vict. c. 37.	The Documentary Evidence Act, 1868.	In section four, subsection two.
32 & 33 Vict. c. 49.	The Local Stamps Act, 1869.	In section eight, subsections one, two, three, four, six, seven, and eight.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
32 & 33 Vict. c. 106.	The East India Loan Act, 1869.	Section thirteen.
33 & 34 Vict. c. 58.	The Forgery Act, 1870	Sections three, five, and six.
35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	In section three, subsection one, the words "forges or," and the words "or delivers to the "returning officer any nomi- "nation paper knowing the "same to be forged," and subsection two the words "forges, or counterfeits, or,"
35 & 36 Vict. c. 44.	The Court of Chancery Funds Act, 1872.	Section twelve.
36 & 37 Vict. c. 32.	The East India Loan Act, 1873.	Section thirteen.
37 & 38 Vict. c. 3.	The East India Loan Act, 1874.	Section thirteen.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section forty from "and on conviction on indictment" to the end of the section. Section forty-six.
38 & 39 Vict. c. 17.	The Explosives Act, 1875.	Section eighty-one except in so far as it refers to giving, signing, or making use of any licence, certificate, document, or plan false in a material particular.
38 & 39 Vict. c. 63.	The Sale of Food and Drugs Act, 1875.	Section twenty-seven from "any person" to "hard labour."
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section twenty-eight.
40 & 41 Vict. c. 2.	The Treasury Bills Act, 1877.	Section ten.
40 & 41 Vict. c. 51.	The East India Loan Act, 1877.	Section fifteen.
42 & 43 Vict. c. 60.	The East India Loan Act, 1879.	Section fourteen.
43 Vict. c. 10 -	The East India Loan (East Indian Railway Debentures) Act, 1880.	Section twelve.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section seventy-four the words "forges or " and the words "or delivers to the town clerk " any forged nomination " paper knowing it to be " forged." Section two hundred and thirty-five.
46 & 47 Vict. c. 22.	The Sea Fisheries Act, 1883.	Section seventeen, subsection four, from "and on conviction on indictment" to the end of the section.
46 & 47 Vict. c. 55.	The Customs and Inland Revenue Act, 1883.	In section seventeen the words "and section twenty-five of " the Forgery Act, 1861."
48 & 49 Vict. c. 28.	The East India Loan Act, 1885.	Section twelve.
48 & 49 Vict. c. 49.	The Submarine Telegraph Act, 1885.	In section eight, subsection four, from "and on conviction on indictment" to the end of the section.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Section one hundred and eighty from "forge the seal" to "knowing the same to be " forged or."
52 Vict. c. 10.	The Commissioners of Oaths Act, 1889.	Sections eight, nine, and ten.
53 Vict. c. 5. -	The Lunacy Act, 1890	Section one hundred and forty-seven.
54 & 55 Vict. c. 38.	The Stamp Duties Management Act, 1891.	Section thirteen, subsections (1) and (2), and in subsection (8) the words "any forged stamp or" and in subsection (9) the words "any forged die or stamp or." Section fourteen. Section fifteen.
56 & 57 Vict. c. 70.	The East India Loan Act, 1893.	Section seventeen.
61 & 62 Vict. c. 13.	The East India Loan Act, 1898.	In section eight the words "and as to criminal offences."
63 Vict. c. 2. -	The War Loan Act, 1900.	Section four, subsection three.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Edw. 7. c. 25.	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.	In section seven the words "and as to criminal offences."
5 Edw. 7. c. 19.	The East India Loans (Railways) Act, 1905.	Section five so far as it incorporates section seventeen of the East India Loan Act, 1893.
8 Edw. 7. c. 54.	The East India Loans Act, 1908.	Section six so far as it incorporates section seventeen of the East India Loan Act, 1893.
8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	Section thirty-eight, subsection one, from "(i) with intent to defraud," to "altered or," and subsection two.
10 Edw. 7. c. 5.	The East India Loans (Railways) Act, 1910.	Section four so far as it incorporates section seventeen of the East India Loan Act, 1893.
10 Edw. 7. & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	Section forty-four, subsection one.

Part II.

Enactments applying only to Ireland.

23 & 24 Geo. 3. c. 23. (Irish Act.)	An Act to regulate the assay of gold and promote the manufacture of gold and silver wares in this Kingdom.	Section twenty-eight from "shall "counterfeit or cause to be "counterfeited" to "assay offices respectively, or", where those words secondly occur, the words "upon which "such counterfeited or imi- "tated mark, stamp, or im- "pression shall have been "made as aforesaid, or", and the words "such mark, stamp, "or impression to have been "counterfeited or imitated as "aforesaid or."
20 & 21 Vict. c. 60.	The Irish Bankrupt and Insolvent Act, 1857.	Section three hundred and ninety-seven.
20 & 21 Vict. c. 79.	The Probates and Letters of Administration Act (Ireland), 1857.	Section thirty-three.
34 & 35 Vict. c. 22.	The Lunacy Regulation (Ireland) Act, 1871.	Section fifty.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
34 & 35 Vict. c. 49.	The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871.	Sections fifteen and eighteen.
43 & 44 Vict. c. 13.	The Births and Deaths Registration (Ireland) Act, 1880.	Section thirty, from "and on conviction on indictment" to the end of the section. Section thirty-six.

Amended by the Mental Deficiency and Lunacy Amendment Act 1919 (c. 85) and by the Mental Deficiency (Amendment) Act 1925 (c. 53) and by the Mental Deficiency Act 1927 (c. 33) and the Mental Deficiency Act 1938 (c. 43)

CHAPTER 28.

An Act to make further and better provision for the care of Feeble-minded and other Mentally Defective Persons and to amend the Lunacy Acts. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

POWER AND MANNER OF DEALING WITH DEFECTIVES.

Powers of dealing with Defectives.

Definition of defectives.

1. The following classes of persons who are mentally defective shall be deemed to be defectives within the meaning of this Act:—

(*a*) Idiots; that is to say, persons so deeply defective in mind from birth or from an early age as to be unable to guard themselves against common physical dangers;

(*b*) Imbeciles; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that they are incapable of managing themselves or their affairs, or, in the case of children, of being taught to do so;

(*c*) Feeble-minded persons; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or, in the case of children, that they by reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

(*d*) Moral imbeciles; that is to say, persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

Circumstances rendering defectives subject to be dealt with.

2.—(1) A person who is a defective may be dealt with under this Act by being sent to or placed in an institution for defectives or placed under guardianship—

(*a*) at the instance of his parent or guardian, if he is an idiot or imbecile, or at the instance of his parent if, though not an idiot or imbecile, he is under the age of twenty-one; or

(*b*) if in addition to being a defective he is a person—

(i) who is found neglected, abandoned, or without visible means of support, or cruelly treated; or

(ii) who is found guilty of any criminal offence, or who is ordered or found liable to be ordered to be sent to a certified industrial school;

(iii) who is undergoing imprisonment (except imprisonment under civil process), or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school, or in an inebriate reformatory or who is detained in an institution for lunatics or a criminal lunatic asylum; or

(iv) who is an habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900; or

(v) in whose case such notice has been given by the local education authority as is herein-after in this section mentioned; or

(vi) who is in receipt of poor relief at the time of giving birth to an illegitimate child or when pregnant of such child.

(2) Notice shall, subject to regulations made by the Board of Education, to be laid before Parliament as hereinafter provided, be given by the local education authority to the local authority under this Act in the case of all defective children over the age of seven—

(*a*) who have been ascertained to be incapable by reason of mental defect of receiving benefit or further benefit in special schools or classes, or who cannot be instructed in a special school or class without detriment to the interests of the other children, or as respects whom the Board of Education certify that there are special circumstances which render it desirable that they should be dealt with under this Act by way of supervision or guardianship;

(*b*) who on or before attaining the age of sixteen are about to be withdrawn or discharged from a special school or class, and in whose case the local education authority are of opinion that it would be to their benefit that they should be sent to an institution or placed under guardianship.

Power to deal with defectives at instance of parent or guardian.

3.—(1) The parent or guardian of a defective who is an idiot or imbecile, and the parent of a defective who though not an idiot or imbecile is under the age of twenty-one, may place him in an institution or under guardianship: Provided that he shall not be so placed in an institution or under guardianship, except upon certificates in the prescribed form signed by two duly qualified medical practitioners, one of whom shall be a medical practitioner approved for the purpose by the local authority or the Board, and, where the defective is not an idiot or imbecile, also signed, after such inquiry as he shall think fit, by a judicial authority for the purposes of this Act, stating that the signatories of the certificate are severally satisfied that the person to whom the certificate relates is a defective and the class of defectives to which he belongs, accompanied by a statement, signed by the parent or guardian, giving the prescribed particulars with respect to him.

(2) Where a defective has been so placed in an institution for defectives or under guardianship, the managers of the institution, or the person under whose guardianship he has been placed, shall, within seven days after his reception send to the Board of Control hereinafter constituted (in this Act referred to as the Board) notice of his reception and such other particulars as may be prescribed.

Power to deal with defectives otherwise than at instance of parent or guardian.

4. A defective subject to be dealt with under this Act otherwise than under paragraph (*a*) of subsection (1) of section two of this Act may so be dealt with—

(*a*) under an order made by a judicial authority on a petition presented under this Act; or

(*b*) under an order of a court, in the case of a defective found guilty of a criminal offence, punishable in the case of an adult with imprisonment or penal servitude, or liable to be ordered to be sent to an industrial school; or

(*c*) under an order of the Secretary of State, in the case of a defective detained in a prison, criminal lunatic asylum, reformatory or industrial school, place of detention, or inebriate reformatory;

but no such order shall be made except in the circumstances and in the manner herein-after specified.

Requirements as to the making of Orders.

Presentation of petitions.

5.—(1) An order of a judicial authority under this Act shall be obtainable upon a private application by petition made by any relative or friend of the alleged defective, or by any officer of the local authority under this Act authorised in that behalf.

(2) Every petition shall be accompanied by two medical certificates, one of which shall be signed by a medical practitioner approved for the purpose by the local authority or the Board, or a certificate that a medical examination was impracticable,

and by a statutory declaration made by the petitioner and by at least one other person (who may be one of the persons who gave a medical certificate) stating—

(*a*) that the person to whom the petition relates is a defective within the meaning of this Act, and the class of defectives to which he is alleged to belong; and

(*b*) that that person is subject to be dealt with under this Act, and the circumstances which render him so subject; and

(*c*) whether or not a petition under this Act, or a petition for a reception order under the Lunacy Acts, 1890 to 1911, has previously been presented concerning that person, and, if such a petition has been presented, the date thereof and the result of the proceedings thereon; and

(*d*) if the petition is accompanied by a certificate that a medical examination was impracticable, the circumstances which rendered it impracticable.

(3) If a petition is not presented by a relative or by an officer of the local authority, it shall contain a statement of the reasons why the petition is not presented by a relative, and of the connection of the petitioner with the person to whom the petition relates and the circumstances under which he presents the petition.

(4) Where the Board are satisfied that a petition under this section ought to be presented concerning any person, and that the local authority have refused or neglected to cause a petition to be presented, they may direct an inspector or other officer to present a petition, and this section shall apply accordingly.

Procedure on hearing petitions.

6.—(1) Upon the presentation of the petition and such documents as aforesaid, the judicial authority shall either visit the person to whom the petition relates or summon him to appear before him.

(2) Proceedings before the judicial authority may, in any case if the judicial authority thinks fit, and shall, if so desired by the person to whom the petition relates, be conducted in private, and in that case no one except the petitioner, the person to whom the petition relates, his parents or guardian and any two persons appointed for the purpose by the person to whom the petition relates, or by his parents or guardian, and the persons signing the medical certificates and the statutory declaration accompanying the petition shall, without leave of the judicial authority, be allowed to be present.

(3) If the judicial authority is satisfied that the person to whom the petition relates is a defective and is also satisfied that he is subject to be dealt with under this Act, the judicial authority may, if he thinks it desirable to do so in the interests of such person, make an order either ordering him to be sent to an institution the managers of which are willing to receive him, or appointing a suitable person to be his guardian, and the

order shall state the class of defectives to which he belongs, and the circumstances which render him subject to be dealt with under this Act:

Provided that—

(*a*) where the petition is not presented by the parent or guardian, the order shall not be made without the consent in writing of the parent or guardian, unless it is proved to the satisfaction of the judicial authority that such consent is unreasonably withheld, or that the parent or guardian cannot be found, but consent shall not be deemed to be unreasonably withheld if withheld with the bonâ fide intention of benefiting the defective; and

(*b*) nothing in this section shall prevent an order being made, notwithstanding that the person to whom the petition relates does not appear to the judicial authority to belong to the class of defectives to which he is in the petition alleged to belong, if the judicial authority is satisfied that he is a defective.

(4) If the judicial authority is not satisfied that the person to whom the petition relates is a defective, and subject to be dealt with under this Act, or that it is desirable in the interests of such person that an order should be made, the judicial authority may, if he thinks fit, adjourn the case for a period not exceeding fourteen days for further evidence or information, and may order that the person to whom the petition relates shall submit himself to medical examination, or may dismiss the petition:

Provided that, unless the petition is dismissed, the judicial authority shall order a medical examination in any case where the petition was accompanied by a certificate that a medical examination was impracticable.

Variation of orders.

7.—(1) Where an order has been made that a defective be placed under guardianship the judicial authority which made the order, or any other judicial authority, or, where the original order was not made by a judicial authority, any judicial authority may, on application being made for the purpose by the guardian or by the Board or by the local authority, and on being satisfied that the case is or has become one unsuitable for guardianship, order that the defective be sent to an institution.

(2) A person appointed to be guardian of a defective may, on the application of the local authority or of the Board or of any other person who appears to be interested, be removed from his office by any such judicial authority as aforesaid, and, where a person appointed to be guardian of a defective dies, or resigns his office, or is removed from his office, such judicial authority as aforesaid may, on the like application, appoint a suitable person to act in his stead.

(3) An order under this section shall not be made without giving to the local authority and, where practicable, to the relative or other person who presented the original petition and to the parent or guardian of the defective, an opportunity of being heard.

Procedure in cases of persons guilty of offences, &c.

8.—(1) On the conviction by a court of competent jurisdiction of any person of any criminal offence punishable in the case of an adult with penal servitude or imprisonment, or on a child brought before a court under section fifty-eight of the Children Act, 1908, being found liable to be sent to an industrial school, the court, if satisfied on medical evidence that he is a defective within the meaning of this Act, may either— 8 Edw. 7. c. 57.

(*a*) postpone passing sentence or making an order for committal to an industrial school, and direct that a petition be presented to a judicial authority under this Act with a view to obtaining an order that he be sent to an institution or placed under guardianship; or

(*b*) in lieu of passing sentence or making an order for committal to an industrial school, itself make any order which if a petition had been duly presented under this Act the judicial authority might have made, which order shall have the like effect as if it had been made by a judicial authority on a petition under this Act:

Provided that, if the court is a court of summary jurisdiction and the case is one which the court has power to deal with summarily, the court, if it finds that the charge is proved, may give such directions or make such order as aforesaid without proceeding to a conviction, and such a person shall for the purposes of this Act be deemed to be a person found guilty of an offence.

(2) The court may act either on the evidence given during the trial or other proceedings, or may call for further medical or other evidence.

(3) Where the court so directs a petition to be presented against a person, it may order him to be detained in an institution for defectives or in a place of safety for such time as is required for the presentation of the petition and the adjudication thereof.

(4) Where it appears to any court of summary jurisdiction by which a person charged with an offence is remanded or committed for trial that such person is a defective, the court may order that pending the further hearing or trial he shall be detained in an institution for defectives, or be placed under the guardianship of any person on that person entering into a recognisance for his appearance.

(5) Where it appears to the police authority that any person charged with an offence is a defective, they shall communicate with the local authority, and it shall be the duty of the police

authority to bring before the court such evidence as to his mental condition as may be available:

Provided that, where it is intended to bring such evidence before the court, the police authority shall give notice of the intention to the person charged, and to his parent or guardian, if known.

Procedure in case of defectives undergoing imprisonment, &c.

9. Where the Secretary of State is satisfied from the certificate of two duly qualified medical practitioners that any person who is undergoing imprisonment (except imprisonment under civil process) or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school or in an inebriate reformatory, or who is detained in a criminal lunatic asylum, is a defective, the Secretary of State may order that he be transferred therefrom and sent to an institution for defectives, the managers of which are willing to receive him, or that he be placed under guardianship, and any order so made shall have the like effect as if it had been made by a judicial authority on petition under this Act.

Effect and Duration of Orders, &c.

Effect of orders.

10.—(1) An order that a defective be sent to an institution shall authorise the conveyance of that person to and his reception in the institution mentioned in the order, at any time within fourteen days (or, if the person is in a place of safety, within twenty-one days) after the date of the order, and his detention in that institution for such period as is hereinafter mentioned, and he shall be liable to be detained in the institution accordingly.

(2) An order that a defective be placed under guardianship shall, subject to regulations made by the Secretary of State, confer on the person named in the order as guardian such powers as would have been exerciseable if he had been the father of the defective and the defective had been under the age of fourteen, and the guardian shall also have power to warn persons against supplying intoxicants to him or for his use.

Duration of detention under orders.

11.—(1) An order made under this Act that a defective be sent to an institution or placed under guardianship shall expire at the end of one year from its date, unless continued in manner hereinafter provided:

Provided that in the case of any institution the Board may by order direct that orders that persons be sent thereto shall, unless continued as hereinafter provided, expire on the quarter day next after the day on which the orders would have expired under the above provision.

(2) An order shall remain in force for a year after the date when under the preceding provisions of this section it would have expired, and thereafter for successive periods of five years, if at that date and at the end of each period of one and five years respectively the Board, after considering such special

reports and certificate as is hereinafter mentioned and the report of any duly qualified medical practitioner who, at the request of the defective or his parent or guardian or any relative or friend, has made a medical examination of the defective and the means of care and supervision which would be available if the defective were discharged consider that the continuance of the order is required in his interests and make an order for the purpose:

Provided that, where a defective was, at the time of being sent to the institution or placed under guardianship, under twenty-one years of age, the case shall be reconsidered by the visitors appointed under this Act within three months after he attains the age of twenty-one years.

(3) On such reconsideration the visitors shall visit the defective or summon him to attend before them and inquire into his mental condition and the means of care and supervision which would be available if he were discharged and into all the circumstances of the case, and, if it appears to them that further detention in an institution or under guardianship is no longer required in the interests of the defective himself, shall order him to be discharged:

Provided that, if the visitors do not order his discharge, the defective or his parent or guardian may, within fourteen days after the decision of the visitors has been communicated to the defective and his parent or guardian, appeal to the Board.

(4) The special reports above mentioned shall be—

(*a*) A special report by the visitors made within one month after having seen the defective as to his mental condition and the means of care and supervision which would be available if he were discharged, and stating whether, in the opinion of the visitors, the defective is still a proper person to be detained in his own interest in an institution or under guardianship; and

(*b*) A special report as to the mental and bodily condition of the defective made, in the case of a person detained in an institution, by the medical officer of that institution, and in any other case by a duly qualified medical practitioner, and shall be accompanied by a certificate that the defective is still a proper person to be detained in his own interest in an institution or under guardianship, and the person sending the special report shall give to the Board such further information concerning the defective to whom the special report relates as they may require.

(5) A certificate under the hand of the secretary to the Board that an order has been continued to the date therein mentioned shall be sufficient evidence of the fact.

Duration of detention not under orders.

12.—(1) Where a defective has been placed by his parent or guardian in an institution or under guardianship, it shall be

lawful for such parent or guardian to withdraw him from the institution or guardianship at any time on giving notice in writing for the purpose to the Board, unless the Board, after considering what means of care and supervision would be available if he were discharged, determine within fourteen days after receiving the notice that the further detention of the defective in the institution or under guardianship is required in the interests of the defective, and, where the Board have so determined, no further notice by the parent or guardian shall be allowed till after the expiration of six months from the last previous notice.

(2) Subject to the foregoing provisions of this section, a defective who has been placed by his parent or guardian in an institution or under guardianship may be detained in the institution or under guardianship, and the case shall be reconsidered by the Board at like intervals and by the visitors, as if he had been ordered to be sent to the institution or placed under guardianship, and the provisions of the last foregoing section shall apply accordingly.

(3) The managers of any certified institution, or house, or any approved home may discharge any defective placed there by his parent or guardian on giving one month's notice to the Board and to the parent or guardian of the defective if known.

Supplemental.

Power to recover expenses.

13.—(1) Where an order that a defective be sent to an institution or be placed under guardianship has been made under this Act, the judicial authority which made the order or any other judicial authority, or, where the order is not made by a judicial authority, any judicial authority, may, on the application of the petitioner, or of the managers of the institution or the guardian, as the case may be, or of an officer authorised by the local authority, make an order requiring the defective, or any person liable to maintain him, to contribute such sum towards the expenses of his maintenance in the institution or of his guardianship, and any charges incidental thereto, including the cost of his conveyance to the institution, and in the event of his death in the institution his funeral expenses, as, having regard to the ability of the defective or person liable to maintain him, seems reasonable.

(2) Any such order may, on the application of the managers of the institution in which the defective is for the time being detained, or of the guardian, or of an officer authorised by the local authority, be enforced against any property of the defective or person liable to maintain him, if made by a judge of county courts, in the same way as if it were a judgment of the county court, and, if made by any other judicial authority, as if it were an order for the payment of a civil debt made by a court of summary jurisdiction.

(3) An order made under this section may be varied or revoked by the judicial authority which made it, or any other judicial authority.

(4) Where a defective has been placed by his parent or guardian in an institution or under guardianship, any sum which the parent or guardian has agreed in writing to contribute towards the expenses of the maintenance or guardianship of the defective shall be recoverable summarily as a civil debt.

Provision as to contribution orders.

14. The persons liable to maintain a defective under the age of twenty-one against whom an order to contribute towards his maintenance may be made under this Act shall include in the case of illegitimacy his putative father and, if the judicial authority having cognisance of the case thinks fit, a person other than his putative father cohabiting with his mother: Provided that, where a defective is an illegitimate, and an affiliation order for his maintenance has previously been made on the application of his mother under the enactments relating to bastardy, the judicial authority shall not (unless in view of the special circumstances of the case he thinks it desirable) make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the affiliation order to be made to the local authority or such other person as may be named in the order, to be applied towards the maintenance of the defective.

Power to remove to place of safety pending presentation of petition.

15.—(1) If any officer of the local authority authorised in that behalf or any constable finds neglected, abandoned, or without visible means of support or cruelly treated any person whom he has reasonable cause to believe to be a defective, he may take such person to a place of safety, and such person may be there detained until a petition under this Act can be presented.

(2) If it appears to a justice on information on oath laid by an officer or other person authorised by the local authority that there is reasonable cause to believe that a defective is neglected or cruelly treated in any place within the jurisdiction of the justice, the justice may issue a warrant authorising any constable named therein, accompanied by the medical officer of the local authority or any other duly qualified medical practitioner named in the warrant, to search for such person, and, if it is found that he is neglected or cruelly treated, and is apparently defective, to take him to and place him in a place of safety until a petition can be presented under this Act, and any constable authorised by such warrant may enter, and if need be by force, any house, building, or other place specified in the warrant, and may remove such person therefrom.

(3) Where the place to which such a person is taken is a workhouse, the master shall receive him into the workhouse if there is suitable accommodation therein, and any expenses incurred in respect of him shall be defrayed by the local

authority, but shall, if an order is eventually made, be recoverable from the defective or any person liable to maintain him as if they were part of the expenses of his maintenance.

Transfers from institutions for defectives to institutions for lunatics and vice versâ.

16.—(1) Where the mental condition of a person detained in an institution for defectives becomes or is found to be such that he ought to be transferred to an institution for lunatics, the Board, or the managers of the institution for defectives with the consent of the Board, shall cause such steps to be taken as may be necessary for having a reception order under the Lunacy Acts, 1890 to 1911, made in respect of him and for his removal to an institution for lunatics: Provided that, where such person has been placed in the institution by his parent or guardian, the Board or managers, as the case may be, shall not cause such steps to be taken until they have given the parent or guardian, wherever practicable, an opportunity of taking them himself.

(2) Where the mental condition of a person detained in an institution for lunatics is found to be such that he ought to be transferred to an institution for defectives, the Board, or the managers of the institution for lunatics with the consent of the Board, may cause such steps to be taken as may be necessary for having an order that he be sent to an institution for defectives made under this Act in respect of him and for his removal to such institution.

(3) The Board may, subject to the approval of the Secretary of State, make regulations for carrying this section into effect.

Provisions as to religious persuasion.

17.—(1) The judicial authority, court, or Secretary of State, in determining the institution to which a defective is to be sent under an order, shall endeavour to ascertain the religious persuasion to which the defective belongs, and the order shall, where practicable, specify the religious persuasion to which he appears to belong, and an institution conducted in accordance with that persuasion shall, where practicable, be selected.

(2) A minister of the religious persuasion specified in the order as that to which the defective appears to belong may visit the defective at the institution on such days, at such times, and on such conditions as may be fixed by the Board, for the purpose of affording religious assistance and also for the purpose of instructing him in the principles of his religion.

(3) Where a defective is sent to an institution which is not conducted in accordance with the religious persuasion to which the defective belongs, the defective shall not be compelled to receive religious instruction or religious ministrations which are not in accordance with his religious persuasion, but shall, as far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with his religious persuasion.

(4) Where an order is made for sending a defective to an institution which is not conducted in accordance with the religious persuasion to which he belongs, the nearest adult relative,

or in the case of a child his guardian or person entitled to his custody, may apply to the Board to remove or send the defective to an institution conducted in accordance with the defective's religious persuasion, and the Board shall, on proof of the defective's religious persuasion, comply with the request of the applicant: Provided that the applicant must show to the satisfaction of the Board that the managers of the institution named by him are willing to receive the defective and that the institution is one suitable to the case.

Provisions as to visiting of defectives.

18. The nearest adult relative or the guardian of a defective in an institution or under guardianship under this Act shall be entitled to visit the defective at such times and at such intervals (not exceeding six months) and on such conditions as may be prescribed, except where, owing to the character and antecedents of the person proposing to visit the defective, the Board consider that such a visit would be contrary to the interests of the defective.

Judicial authorities.

19.—(1) Any judge of county courts, police or stipendiary magistrate, or specially appointed justice who is a judicial authority for the purposes of the Lunacy Acts, 1890 to 1911, shall be a judicial authority for the purposes of this Act, and the number of justices specially appointed to be judicial authorities under those Acts shall be such as may be considered necessary to exercise the powers conferred by this Act as well as by those Acts on a judicial authority.

(2) Every judicial authority shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction and power as regards the summoning and examination of witnesses, the administration of oaths, costs, and otherwise, as if he were acting in the exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

Regulations as to procedure, forms, &c.

20. The Secretary of State may make regulations with respect to—

(*a*) the procedure on petitions under this Act;

(*b*) the procedure on applications for orders to vary or revoke orders previously made under this Act;

(*c*) the procedure on applications for orders for contributions towards the maintenance of a person in an institution or under guardianship;

(*d*) the procedure on the reconsideration by visitors of the cases of defectives on their attaining the age of twenty-one, and on appeals from the visitors to the Board;

(*e*) the forms of petitions, statutory declarations, certificates, orders, and other documents required for the purposes of this Part of this Act.

Part II.

Central and Local Authorities.

Central Authority.

Central authority.

21. The Board of Control hereinafter constituted shall, subject to the provisions of this Act, be charged with the general superintendence of matters relating to the supervision, protection, and control of defectives:

Provided that, save as otherwise expressly provided by this Act, nothing in this Act shall affect any power exerciseable with respect to lunatics by the Lord Chancellor or the Commissioners in Lunacy, or the Judge or Masters in Lunacy, or by any visitors, court, local authority or other persons, whether under the Lunacy Acts, 1890 to 1911, or otherwise.

Establishment of Commissioners.

22.—(1) There shall be constituted a Board of Control consisting of not more than fifteen Commissioners, of whom not more than twelve shall be paid Commissioners, and of the paid Commissioners four shall be legal Commissioners (that is to say, practising barristers or solicitors of at least five years' standing) and four at least shall be medical Commissioners (that is to say, duly qualified medical practitioners of at least five years' standing) and at least one of the paid and one of the unpaid Commissioners shall be a woman.

(2) The Commissioners shall be appointed by His Majesty on the recommendation, as respects the legal Commissioners, of the Lord Chancellor, and, as respects the other Commissioners, of the Secretary of State; and in making such recommendation regard shall be had to the desirability of the inclusion amongst the Commissioners of persons specially qualified to hold inquiries amongst Welsh-speaking persons.

(3) The Secretary of State shall appoint one of the Commissioners to be chairman.

(4) The Board of Control so constituted shall be a body corporate by the name of "the Board of Control," with a common seal and with power to hold land without licence in mortmain for the purposes of their powers and duties.

(5) If the Secretary of State so directs and subject to any regulations made by him, the Board shall appoint an administrative committee, and to such committee shall be entrusted such of the administrative powers and duties of the Board as are mentioned in the Schedule to this Act.

(6) Subject as aforesaid, any act or thing required or authorised by this Act to be done by the Board or the Commissioners may be done by any one or more of the Commissioners as the Secretary of State may by general or special order direct.

(7) There shall be paid to the Chairman and to such number, not exceeding eleven, of the Commissioners as the Secretary of State, with the consent of the Treasury, may determine, such salaries or other remuneration as the Secretary of State, with the like consent, may fix: Provided that, in the case of the

Chairman, such salary shall not exceed eighteen hundred pounds a year, and, in the case of the Commissioners other than the Chairman, such salary shall not exceed the sum of fifteen hundred pounds a year, but may begin at such lower sum as the Secretary of State with the consent of the Treasury may fix.

(8) The Chairman and paid Commissioners shall hold office during His Majesty's pleasure. The unpaid Commissioners shall hold office for such term as the Secretary of State may determine.

(9) The persons who immediately before the commencement of this Act hold office as paid Commissioners in Lunacy, shall, by virtue of their office, become as from the commencement of this Act paid Commissioners of the Board of Control, and shall, notwithstanding anything in this section, continue to hold their offices by the like tenure and be entitled to the like salary as if they continued to hold the same offices as they held before the commencement of this Act.

Secretary, inspectors, and officers.

23.—(1) The Board shall be assisted in the performance of their duties by a secretary and by such inspectors and other officers and servants as the Secretary of State, with the consent of the Treasury as to number, may determine. Such inspectors and other officers and servants shall include women as well as men.

(2) The secretary, inspectors, and other officers and servants shall be appointed by the Board, subject to the approval of the Secretary of State.

(3) There shall be paid to the secretary, inspectors, officers, and servants of the Board such salaries or remuneration as the Secretary of State, with the consent of the Treasury, may determine.

Disqualifications.

24.—(1) A person shall not be qualified to be a Commissioner, or an inspector, secretary, officer, or servant of the Board, if he is directly or indirectly interested in any certified institution or house, or approved home under this Act, or in any house licensed under the Lunacy Acts, 1890 to 1911, and any Commissioner, inspector, secretary, or officer who becomes so interested shall be disqualified to hold office.

(2) If any person holding any such office as aforesaid acts when he is disqualified under the provisions of this section, he shall be guilty of a misdemeanour.

General powers and duties of Commissioners.

25.—(1) Subject to regulations made by the Secretary of State, the Board shall—

(*a*) exercise general supervision, protection, and control over defectives;

(*b*) supervise the administration by local authorities of their powers and duties under this Act;

(*c*) certify, approve, supervise, and inspect institutions, houses, and homes for defectives, and all arrangements made for the care, training, and control of defectives therein;

(*d*) visit, either through one or more Commissioners or through their inspectors, defectives in institutions and certified houses and approved homes, or under guardianship, or (with a view to their certification) elsewhere, and persons who have been placed under the care of any person as being defectives;

(*e*) provide and maintain institutions for defectives of dangerous or violent propensities;

(*f*) to take such steps as may be necessary for ensuring suitable treatment of cases of mental deficiency;

(*g*) make annual reports (to be presented to Parliament) and such special reports as the Secretary of State may from time to time require;

(*h*) administer, in accordance with this Act, grants made out of money provided by Parliament under this Act.

(2) Without prejudice to their powers and duties under any regulations which the Secretary of State may make for further or more frequent inspection and visitation, it shall be the duty of the Board, through one or more Commissioners to inspect every certified institution, certified house, and approved home at least once in each year, and either through themselves or their inspectors to inspect every certified institution, certified house, and approved home one additional time in each year and every defective under guardianship, at least twice in every year, and any Commissioner shall have power to discharge at any time any person detained in a certified institution or certified house or under guardianship under this Act:

Provided that a Commissioner shall not exercise such power of discharge without the consent of the Secretary of State in the case of a person sent to such an institution by order of the Secretary of State from a prison, criminal lunatic asylum, place of detention, reformatory or industrial school, or inebriate reformatory, so long as the term for which he was committed to the prison or other place from which he was transferred remains unexpired.

Expenses of central authorities.

26. The salaries or other remuneration of the Commissioners and the officers of the Board, and any other expenses incurred by the Secretary of State or the Board in carrying this Act into effect, to such amount as may be sanctioned by the Treasury shall be defrayed out of moneys provided by Parliament.

Local Authorities.

Local authorities.

27. The local authority for the purposes of this Act shall, as respects a county, be the council of the county, and, as respects a county borough, be the council of the borough.

Committees for the care of defectives.

28.—(1) Every local authority shall constitute a committee for the purposes of this Act, hereinafter called the committee for the care of the mentally defective, consisting of such members of the council appointed by the council as the council may determine, and of such persons, not being members of the council, but being poor law guardians or other persons having special knowledge and experience with respect to the care, control, and treatment of defectives, appointed by the council as the council may determine, and of the persons so appointed some shall be women, and of the whole committee the majority shall be members of the council:

Provided that, where a local authority has appointed one or more visiting committees or asylums committees under the Lunacy Acts, 1890 to 1911, then, if the council so determine—

(*a*) the members of such committee or committees shall, with the addition of at least two women, act also as the committee for the care of the mentally defective; or

(*b*) the members of such committee or committees shall be the members of the council appointed by the council to be members of the committee for the care of the mentally defective.

(2) All matters relating to the exercise by the local authority of their powers under this Act (except the power of raising a rate or borrowing money) shall stand referred to the committee for the care of the mentally defective, and the local authority before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question. The local authority may also delegate to the committee, with or without any restrictions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money.

(3) A person shall be disqualified for being a member of the committee for the care of the mentally defective who by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

Joint action.

29.—(1) Where on such application as is hereinafter mentioned it appears to the Secretary of State that two or more local authorities should join for the purpose of the exercise and performance of any of their powers and duties under this Act, the Secretary of State, with the concurrence of the Local Government Board, shall have power by order to make such provisions as appear to him necessary or expedient, by the constitution of a joint committee or joint board or otherwise, for the joint exercise and performance of all or any of the powers under this Act of such local authorities; and any such order may provide

how, and in what proportions, and out of what funds or rates, the expenses incurred in the joint exercise and performance of such powers are to be defrayed, and may contain such incidental, consequential, and supplemental provisions (including provisions adapting any of the provisions of this Act to the case of any committee or board so constituted) as may be necessary for the purposes of the order.

(2) An order under this section for the joint exercise and performance of all or any of the powers under this Act of two or more local authorities may be made on the application of one or more of such authorities, but, unless all such authorities agree to the making of such order, it shall be provisional only, and shall not have effect unless confirmed by Parliament.

(3) Any such order shall remain in operation for the period (if any) named therein, or, if no period is so named, until it is determined by mutual agreement between the local authorities concerned with the consent of the Secretary of State: Provided that any such order may be revoked or varied by an order made on a like application and subject to the like provisions as the original order.

38 & 39 Vict. c. 55.

(4) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to the making of Provisional Orders by the Local Government Board), shall, with the necessary modifications, apply for the purposes of this Act as if they were herein re-enacted and in terms made applicable thereto.

General powers and duties of local authorities.

30. The local authority are hereby empowered, and it shall be their duty, subject to the provisions of this Act and to regulations made by the Secretary of State—

(*a*) to ascertain what persons within their area are defectives subject to be dealt with under this Act otherwise than under paragraph (*a*) of subsection one of section two of this Act;

(*b*) to provide suitable supervision for such persons, or if such supervision affords insufficient protection, to take steps for securing that they shall be dealt with by being sent to institutions or placed under guardianship in accordance with this Act;

(*c*) to provide suitable and sufficient accommodation for such persons when sent to certified institutions by orders under this Act, and for their maintenance therein, and for the conveyance of such persons to and from such institutions;

(*d*) to make provision for the guardianship of such persons when placed under guardianship by orders under this Act;

(*e*) if they think fit, to maintain in an institution or approved home or contribute towards the expenses of maintenance in an institution or approved home or the expenses of guardianship of any defectives other than aforesaid;

(*f*) if they think fit, to provide for the burial of persons dying in an institution or when placed under guardianship in accordance with this Act;

(*g*) to appoint or employ sufficient officers and other persons to assist them in the performance of their duties under this Act;

(*h*) to make to the Board annual reports and such other reports as the Board may require:

Provided that—

(i) nothing in this Act shall be construed as imposing any obligation on a local authority to perform the duties mentioned in paragraphs (*b*), (*c*), (*d*), and (*g*) aforesaid where the contribution out of moneys provided by Parliament under this Act towards the cost on income account of performing such duties is less than one half of the net amount (as approved by the Board) of such cost;

(ii) nothing in this Act shall affect the powers and duties of poor law authorities under the Acts relating to the relief of the poor, with respect to any defectives who may be dealt with under those Acts; nor the right of poor law authorities to receive the same grant for a defective who has been, or may be, sent to an institution, that they would have received if the Idiots Act, 1886, had not been repealed; nor shall local authorities under this Act have any duties with respect to defectives who for the time being are being provided for by such authorities as aforesaid, except to such extent as may be prescribed by regulations made by the Secretary of State with the concurrence of the Local Government Board; 49 & 50 Vict. c. 25.

(iii) nothing in this Act shall affect the powers and duties of local authorities under the Lunacy Acts, 1890 to 1911, with respect to any defectives who may be dealt with under those Acts, nor shall local authorities under this Act have any duties or powers with respect to defectives who for the time being are, or who might be, provided for by such authorities as aforesaid except to such extent as may be prescribed by regulations made by the Secretary of State with the concurrence of the Lord Chancellor;

(iv) nothing in this Act shall affect the duties or powers of local education authorities under the Education Acts; and the duty of ascertaining what children over the age of seven and under the age of sixteen (herein-after referred to as defective children) are defectives shall rest with the local education authority as herein-after provided and not with the local

authority under this Act; and such last mentioned authorities shall have no duties as respects defective children, except those whose names and addresses have been notified to them by the local education authority under the provisions of this Act.

Duties of local education authorities.

31.—(1) The duties of a local education authority shall include a duty to make arrangements, subject to the approval of the Board of Education,—

(*a*) for ascertaining what children within their area are defective children within the meaning of this Act;

(*b*) for ascertaining which of such children are incapable by reason of mental defect of receiving benefit or further benefit from instruction in special schools or classes;

(*c*) for notifying to the local authority under this Act, the names and addresses of defective children with respect to whom it is the duty of the local education authority to give notice under the provisions hereinbefore contained.

In case of doubt as to whether a child is or is not capable of receiving such benefit as aforesaid, or whether the retention of a child in a special school or class would be detrimental to the interests of the other children, the matter shall be determined by the Board of Education.

62 & 63 Vict. c. 32.

(2) The provisions of section one of the Elementary Education (Defective and Epileptic Children) Act, 1899, shall apply with the necessary modifications for the purposes of this section.

Power of Secretary of State to act in default.

32.—(1) If the Board report to the Secretary of State that a local authority have made default in the performance of any of their duties under this Act, the Secretary of State may, after holding a local inquiry in any case where he deems it desirable to do so, and on being satisfied that such default has taken place, by order require the local authority to do such acts and things for remedying the default as he may direct, and any such order may be enforced by mandamus.

(2) Any expenses incurred by or on behalf of the Secretary of State under any such order or in respect of any such default, or in respect of any such inquiry, shall, if the Secretary of State so directs, be expenses of the local authority, and the treasurer or other proper officer of the local authority shall pay the amount of such expenses to the Secretary of State within two months after demand, and in default of payment the amount thereof shall be recoverable as a debt due to the Crown.

(3) An order of the Secretary of State shall be conclusive in respect of any default, amount of expenses, and any other matter therein stated or appearing; but nothing in this provision shall prejudice or affect the right or power of the Secretary of State or any other authority or person to take any other proceedings for requiring a local authority to perform their duties under this Act.

Expenses and borrowing by local authorities

33.—(1) The expenses of a local authority under this Act shall be defrayed, in the case of a county council out of the county fund, and in the case of a county borough council out of the borough fund or borough rate, or, if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate:

Provided that the expenses incurred by a local authority in the exercise of their powers under this Act for purposes other than the fulfilment of their obligations under this Act shall not in any one year exceed an amount equal to that which would be produced by a rate of one halfpenny in the pound on the property liable to be assessed for the purpose as assessed for the time being for the purposes of that rate.

(2) A local authority may borrow for the purposes of this Act in the case of a county council, as for the purposes of the Local Government Act, 1888, and in the case of a county borough council, as for the purposes of the Public Health Acts; but in the application of section sixty-nine of the Local Government Act, 1888, to money borrowed by a county council under this Act a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which money borrowed is to be repaid, and the money borrowed by a county borough council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable. 51 & 52 Vict. c. 41.

(3) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875. 38 & 39 Vict. c. 55.

(4) Separate accounts shall be kept by the council of a county borough of their receipts and expenditure under this Act.

Special provisions as to Lancashire.

34. The Lancashire Asylums Board shall, as respects the county of Lancaster and the county boroughs represented on the said Board, be the local authority for the purposes of this Act for that county and those county boroughs, and the provisions of the Lancashire County (Lunatic Asylums and other Powers) Act, 1891, as to expenses, borrowing, accounts, and audit shall apply accordingly in substitution for the provisions as to the like matters contained in this Act. 54 & 55 Vict. c. xx.

Part III.

Certification and Provision of Institutions, &c.

State institutions.

35.—(1) The Board, subject to the approval of the Secretary of State, may establish and maintain institutions for defectives of dangerous or violent propensities (in this Act referred to as State institutions), and for that purpose the Secretary of

State may cause to be transferred to the Board the whole or any part of any building vested in the Prison Commissioners or otherwise under the control of the Secretary of State, or may, with the approval of the Treasury, authorise the Board under this Act either to acquire any land or erect or acquire any building.

(2) For the purposes of this Act, the Board shall be deemed to be the managers of State institutions.

Certification of institutions.

36. The Board may, upon the application of the managers of premises intended for the reception, control, care, and treatment of defectives, if satisfied of the fitness of the premises and of the persons proposing to maintain them for such purposes, grant a certificate to the managers to receive defectives therein, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this Act, and an institution so certified is in this Act referred to as a certified institution.

Approval of premises provided by boards of guardians.

37.—(1) On the application of the local authority for any area comprising the whole or any part of a poor law union, the Board may, subject to the consent of the Local Government Board, if satisfied of the special fitness for the detention, care, and training of defectives of any buildings or other premises provided by the board of guardians of that union, either alone or in conjunction with any other board of guardians, approve the premises for the reception of defectives, and thereupon this Act shall apply as if the premises so approved were a certified institution and the guardians were the managers thereof, and, so long as any such premises continue to be so approved, it shall be lawful for the board of guardians in their capacity of managers, subject to the approval of the Local Government Board, to enter into agreements with any local authority as to the reception and maintenance therein of defectives ordered to be sent thereto under this Act, and to receive such defectives accordingly.

(2) Any defective ordered to be sent to any such premises under this Act shall not be deemed to be in receipt of poor law relief by reason that the premises are provided by a board of guardians.

Power of local authorities to establish or contribute to institutions.

38.—(1) A local authority may, subject to the approval of the Secretary of State,—

(*a*) undertake or combine with any other local authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the establishment, building, alteration, enlargement, rebuilding, or management of institutions certified or intended to be certified under this Act or the purchase of any land required for the use of a certified institution or for the site of an institution intended to be certified under this Act; and

(*b*) contract with the managers of any certified institution for the reception and maintenance in the institution of persons for whose reception and maintenance the local authority are by this Act required or authorised to make provision.

(2) Where plans of any proposed alteration, enlargement, rebuilding or building have been approved by the Secretary of State for the purposes of this section, they shall be carried out without any modifications (except such as the Secretary of State may approve), and no building or site which has been provided by a council or to which they have contributed under this section shall, without the consent of the Secretary of State, be used for any purpose other than that for which it has been approved.

(3) Land may be acquired by a local authority for the purposes of this Act in the case of the council of a county under and in accordance with the Local Government Act, 1888, and in the case of the council of a county borough as for the purposes of the Public Health Acts. 51 & 52 Vict. c. 41.

Transfer of premises for use as institutions.

39. Where any premises vested in the Prison Commissioners, any board of guardians, or other public authority are no longer required for the purposes for which they were provided, and the Board of Control are satisfied as to the fitness of the premises for the reception of defectives, the Prison Commissioners, the board of guardians, or other authority may, with the consent of the Secretary of State, the Local Government Board, or other Department of the Government concerned, lease or grant the use of the premises to any local authority under this Act, or other person, for the purpose of their being used as a certified institution.

Visitors of institutions.

40.—(1) The persons appointed under the Lunacy Acts, 1890 to 1911, to act as visitors of licensed houses, with the addition of one or more women appointed in like manner as such visitors, shall be the visitors of institutions for defectives under this Act, and the number of persons appointed to be visitors of licensed houses under those Acts shall be such as may be considered necessary to perform the duties of visitors of institutions for defectives under this Act as well as the duties of visitors of licensed houses under those Acts, and their duties under this Act shall be taken into consideration in determining the remuneration, if any, of the visitors and clerks to visitors.

(2) In all places where no persons are so appointed to act as visitors of licensed houses a sufficient number of persons, possessing the like qualifications as such visitors, with the addition of one or more women, shall be appointed in like manner as such visitors to act as visitors of institutions for defectives, and a clerk to such visitors shall be appointed in like manner as in the case of the clerk to the visitors appointed under the Lunacy Acts, 1890 to 1911, and the expenses of visitors so appointed, including the remuneration, if any, of

any visitors and clerks to visitors, shall be defrayed in like manner as the expenses of visitors under the Lunacy Acts, 1890 to 1911.

(3) The visitors of institutions for defectives shall perform such functions as are assigned to them by this Act and such further functions in connection with the visitation of institutions and of the patients therein, and of defectives under guardianship, and with respect to the discharge of such defectives and their after care and otherwise, as may be assigned to them by regulations of the Secretary of State under this Act.

Regulations as to management of institutions for defectives, &c.

41.—(1) The Secretary of State may make regulations as to—

(*a*) the granting, transfer, renewal, revocation, and resignation of certificates for institutions;

(*b*) the management of institutions;

(*c*) the classification and treatment of patients in institutions, their instruction, and their employment in suitable occupations, and the reports to be made as to their mental condition and otherwise in respect of them;

(*d*) the inspection of institutions and the visitation of patients therein by the Board and inspectors and other persons;

(*e*) the notification to the Board of the admission of a patient to an institution;

(*f*) the transfer of patients from one certified institution to another, and from a State institution to a certified institution, and, in cases appropriate to State institutions, from a certified institution to a State institution;

(*g*) the discharge of patients from institutions;

(*h*) the absence of patients from institutions under licence or temporarily without licence;

(*i*) the notifications to be made by the managers in the event of the outbreak of an infectious disease in an institution and in the event of the death of a patient in an institution or absent therefrom under licence;

(*j*) the conveyance of persons to and from institutions;

(*k*) the burial of persons dying in institutions;

(*l*) the powers and duties of persons appointed guardians of defectives under this Act; the reports to be made by such guardians as to defectives under their guardianship; the visitation of such defectives; and their discharge from guardianship;

(*m*) the granting, renewal, and revocation of approval of homes for defectives;

(*n*) the holding of inquiries and any other matter necessary or proper for the carrying into effect of the provisions of this Act with respect to institutions, and the inmates thereof, and to guardianship;

(*o*) the application, as respects any matters to be dealt with by regulations, of any of the provisions of the Lunacy Acts, 1890 to 1911, dealing with the like matters, subject to the necessary modifications and adaptations;

(*p*) the study of improved methods of treating mental deficiency.

(2) The regulations made under this section shall make applicable as respects institutions and the patients therein the provisions of sections forty, forty-one, forty-two, forty-seven, and fifty-three of the Lunacy Act, 1890:

Provided that nothing in this subsection shall be construed as restricting any power of the Secretary of State under subsection (1) of this section.

Apprehension of defectives escaping.

42. If a patient in an institution or absent from an institution under licence or without a licence escapes, he may be apprehended without warrant by any constable or by the managers of the institution or any person authorised by them in writing, and brought back to the institution.

Ascertainment of local authority responsible for providing accommodation, &c.

43.—(1) Where a person is ordered to be sent to a certified institution or to be placed under guardianship, the local authority responsible for providing accommodation for that person or making provision for his guardianship, as the case may be, shall be the council of the county or county borough in which he resided (to be specified in the order), and the duties of that council shall include, in the case of a person ordered to be sent to a certified institution, the duty to provide for his conveyance to, and reception and maintenance in, such an institution.

(2) An order that a person be sent to an institution or placed under guardianship shall not, where a council will by virtue of this Act become responsible for providing for the conveyance, reception and maintenance of that person in an institution, or making provision for his guardianship, as the case may be, be made unless that council have been given an opportunity of being heard, or, if the order is made by the Secretary of State, of making representations to him, and, if room is available in an institution, suitable for the defective, provided by the responsible authority, an order shall not, without the consent of that authority, be made for sending the defective to any other institution.

(3) The council responsible under this section for the maintenance of a person in a certified institution shall continue responsible for his maintenance in the event of his transfer to another such institution, and shall be responsible for his conveyance on his transfer from the one institution to the other; and the council responsible under this section for making provision for the guardianship of a person placed under guardianship shall, in the event of his being sent to a certified institution under an order varying the original order, be

responsible for his conveyance to, and his reception and maintenance in, such an institution.

Determination of residence.

44.—(1) Where the order is made in respect of a person found guilty of an offence, that person shall for the purposes of the provisions of the last preceding section be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place:

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Provided that, where the order is made by a court of assize or quarter sessions, the court shall remit to a court of summary jurisdiction for the place where the person is committed for trial the determination of his place of residence.

(2) Where the order is made by the Secretary of State, then—

(*a*) if the order is in respect of a person in a prison, inebriate reformatory, criminal lunatic asylum, or place of detention, that person shall, for the purposes of the provisions of the last foregoing section, be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place;

(*b*) If the order is in respect of a person in a reformatory or industrial school, that person shall, for the purposes of the provisions of the last foregoing section, be deemed to have resided in the place (if any) determined to have been his place of residence for the purposes of his committal to the reformatory or industrial school.

(3) Where a council are aggrieved by a decision as to the place of residence of any person, they may, within three months after the making of the order, apply to a petty sessional court acting in and for such place as may be prescribed, and that court, on proof to its satisfaction that the person in respect of whom the order was made was resident in the area of some other council, and after giving such other council an opportunity of being heard, may transfer the liability to that other council, and may order that other council to repay the first-mentioned council any expenses incurred by them in respect of the person in question, and an appeal shall lie from the decision of the court to a court of quarter sessions; but nothing in this provision shall affect the liability of the first-mentioned council under the original order until an order made transferring the liability to another council comes into force.

(4) In the case of doubt as to where a person resides the expression "place of residence" in this section shall be construed as the county or county borough (as the case may be) in which the person would, if he were a pauper, be deemed to have acquired a settlement within the meaning of the law relating to the relief of the poor.

(5) The power of the Lord Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879,

12 & 13 Vict. c. 49.

shall extend to making rules for prescribing anything which under this section is to be prescribed, and generally to the procedure of courts of summary jurisdiction under this section.

Superannuation of officers. 9 Edw. 7. c. 48.

45.—(1) The Asylums Officers' Superannuation Act, 1909, shall apply to the officers of certified institutions provided by local authorities, with the substitution of references to the managers of such institutions for references to visiting committees of asylums, and with such other adaptations and modifications as the Secretary of State may by order prescribe, and in particular such modifications may include the alteration of—

(*a*) the periods of service entitling to superannuation allowances;

(*b*) the scale of superannuation allowances and gratuities;

(*c*) the scale of contributions:

Provided that nothing in this section shall authorise the Secretary of State to prescribe by order any modifications of the Asylums Officers' Superannuation Act, 1909, which would have the effect of increasing the amount of any superannuation allowance which could be granted to, or of reducing the amount of any contribution made by, any officer or servant under that Act.

(2) Before an order is made by the Secretary of State under this section, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and, if either of those Houses, before the expiration of those thirty days, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereunder, without prejudice to the making of any new draft order.

Scheme for the payment of superannuation allowances or gratuities to officers.

46.—(1) The managers or owner of any certified institution not provided by a local authority, or of a certified house or an approved home, may establish, or join with the managers or owners of one or more such institutions, houses, or homes in establishing, a scheme for the payment of superannuation allowances and gratuities to officers thereof who become incapable of discharging the duties of their office by reason of permanent infirmity of mind or body, or old age, upon their resigning or otherwise ceasing to hold their offices.

(2) The expenses incurred under any such scheme shall be treated as part of the expenses of management.

Contributions by the Treasury.

47. There shall be paid out of money provided by Parliament such sums on such conditions as the Secretary of State may, with the approval of the Treasury, recommend towards the expenses of any persons detained in certified institutions or placed under guardianship, including the expenses of removal in the case of any such person ordered to be transferred from one such institution to another and towards other expenses incurred by local authorities under this Act:

Provided that, unless Parliament otherwise determines, the aggregate amount so paid in any financial year shall not exceed one hundred and fifty thousand pounds, but for the purpose of this limitation there shall be excluded all sums paid towards the expenses of persons sent to such institutions or placed under guardianship—

(*a*) by order of the Secretary of State;

(*b*) by order of a court or judicial authority after having been found guilty of an offence, or having been ordered or found liable to be ordered to be sent to an industrial school.

Treasury contributions towards expenses of societies assisting defectives.

48. Where a society has undertaken the duty of assisting or supervising defectives whilst not in institutions under this Act, there may be paid to the society out of money provided by Parliament towards the expenses of the society in connexion with such persons such sums and on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

Provisions as to certified houses.

49.—(1) A person desirous of receiving defectives at his house for private profit may apply to the Board for a certificate, and the Board, if satisfied of the fitness of the premises and of the applicant, may, if they think fit, on payment by the applicant of the prescribed fee, grant a certificate to the applicant subject to such conditions as they may impose, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this Act, and a house in respect of which such a certificate is in force is in this Act referred to as a certified house, and the person to whom such a certificate is granted is referred to as the owner of such house.

(2) Any defective who may be ordered to be sent to, or may be placed in, an institution under this Act may be ordered to be sent to, or may be placed in, a certified house, and all the provisions of this Act relating to institutions and the patients therein shall apply to certified houses and the patients therein:

Provided that—

(*a*) no part of the money provided by Parliament under this Act shall be applied towards the expenses of defectives in certified houses; and

(*b*) a local authority shall have no power or duty to contribute towards the expenses of defectives ordered to be sent to, or placed in, a certified house or to provide for their conveyance to, and reception and maintenance in, a certified house; and

(*c*) the provisions of this Act with respect to the recovery from defectives or the persons liable to maintain them of contributions towards the expenses of their maintenance shall not apply in the case of defectives in, or ordered to be sent to, certified houses; and

(*d*) a special report under section eleven of this Act as to the mental and bodily condition of a defective detained in a certified house shall not be made by the medical officer of the house or by any medical practitioner directly or indirectly interested in the house.

Provisions as to approved homes.

50.—(1) The managers of any premises wherein defectives are received and supported wholly or partly by voluntary contributions or by applying the excess of payments of some patients for or towards the support of other patients, and any person desirous of receiving defectives in his house for private profit, may apply to the Board to approve the premises or house, and the Board, if satisfied of the fitness of the same and of the applicant, may, if they think fit, on payment by the applicant of such fee (if any) as may be prescribed, grant their approval subject to such conditions as to inspection, the making of reports, and otherwise as they may think fit, and any such approval shall continue valid for the period for which it is granted or until withdrawn under this Act, and any premises or house so approved are in this Act referred to as an approved home.

(2) It shall not be lawful to receive or detain in an approved home any person ordered to be sent to an institution for defectives under an order of the judicial authority, or a court, or a Secretary of State under this Act.

Part IV.

General.

Offences, Legal Proceedings, &c.

Offences with respect to the reception and detention of defectives.

51.—(1) It shall not be lawful for a person without the consent of the Board to undertake the care and control of more than one person who is a defective, or who is placed under his care as being a defective elsewhere than in an institution, a certified house, or an approved home, and, if any person contravenes this provision, he shall be guilty of a misdemeanour.

(2) Where a person undertakes the care and control of any person who is a defective or is placed under his care as being a defective elsewhere than in an institution, a certified house, or an approved home, he shall, within forty-eight hours after the reception of such person, give notice thereof in the prescribed form to the local authority and to the Board, and, if he fails to do so, he shall be guilty of an offence under this Act.

(3) If any manager of any institution for defectives, or the owner of a certified house, or the guardian of a defective, detains a patient or exercises any of the powers conferred upon him by this Act after he has knowledge that those powers have expired, he shall be guilty of a misdemeanour.

(4) Nothing in this section shall apply to or affect any person who under the Lunacy Acts, 1890 to 1911, or the Elementary Education (Defective and Epileptic Children) Act, 1899, as amended by any subsequent enactment, receives or detains any person in accordance with those Acts, notwithstanding that the person so received and detained is a defective within the meaning of this Act.

Offence of supplying intoxicants contrary to warning.

52. If any person, having been warned by a person appointed to be guardian of a defective under this Act, or by a person under whose charge a patient absent from an institution or from a certified house has been placed, not to supply intoxicants to or for the use of the person under his guardianship or charge, knowingly supplies any intoxicants to or for the use of that person, he shall be guilty of an offence under this Act:

Provided that a person shall not be guilty of the offence of supplying intoxicants in contravention of the warning if the person giving the warning refuses, when required so to do, to produce the authority under which he acts.

Offences in relation to institutions, &c.

53. If any person secretes a patient in any institution or certified house or approved home or induces or knowingly assists a patient in an institution or a certified house, or a person allowed out from such an institution or house either on licence or without a licence, or a person in a place of safety or under guardianship under this Act, to escape or to break any conditions of his guardianship or licence, he shall be guilty of an offence under this Act.

Obstruction.

54.—(1) Any person who obstructs any Commissioner or inspector or visitor or any officer or other person appointed or employed by a local authority in the exercise of the powers conferred by or under this Act, shall be guilty of a misdemeanour.

(2) Any person who wilfully obstructs any other person authorised under this Act by an order in writing under the hand of the Secretary of State to visit and examine any person alleged to be a defective, or to inspect or inquire into the state of any institution, certified house, approved home, prison, or place wherein any person represented to be a defective is confined or alleged to be confined, in the execution of such order, and any person who wilfully obstructs any person authorised under this Act by any order of the Board to make any visit and examination or inquiry in the execution of such order, shall be guilty of an offence under this Act.

Ill-treatment.

55. If any manager, officer, nurse, attendant, servant, or other person employed in an institution or certified house, or approved home, or any person having charge of a defective, whether by reason of any contract, or of any tie of relationship, or marriage, or otherwise, illtreats or wilfully neglects the defective, he shall be guilty of a misdemeanour.

Protection of defectives from acts of sexual immorality, procuration, &c.

56.—(1) Any person—

(*a*) who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any woman or girl under care or treatment in an institution or certified house or approved home, or whilst placed out on licence therefrom or under guardianship under this Act; or

(*b*) who procures, or attempts to procure, any woman or girl who is a defective to have unlawful carnal connection, whether within or without the King's dominions, with any person or persons; or

(*c*) who causes or encourages the prostitution, whether within or without the King's dominions, of any woman or girl who is a defective; or

(*d*) who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman or girl who is a defective to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally; or

(*e*) who, with intent that any woman or girl who is a defective should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, takes or causes to be taken such woman or girl out of the possession and against the will of her parent or any other person having the lawful care or charge of her;

shall be guilty of a misdemeanour and shall be liable upon conviction on indictment to be imprisoned, with or without hard labour, for any term not exceeding two years unless he proves that he did not know, and had no reason to suspect, that the woman or girl was a defective.

(2) Section ten of the Criminal Law Amendment Act, 1885, shall apply in the case of a woman or girl who is a defective in the same manner as it applies in the case of a girl who is under the age of sixteen years. 48 & 49 Vict. c. 69.

(3) Without prejudice and in addition to the provisions of the Criminal Law Amendment Act, 1880, no consent shall be any defence in any proceedings for an indecent assault upon any defective, if the accused knew or had reason to suspect that the person in respect of whom the offence was committed was a defective. 43 & 44 Vict. c. 45.

(4) No indictment under this section shall be tried at quarter sessions.

(5) If on the trial of an indictment for rape the jury are satisfied that the accused is guilty of an offence under paragraph (*a*) of subsection (1) of this section, but are not satisfied that he is guilty of rape, the jury may acquit him of rape and

find him guilty of such offence as aforesaid, and in that event he shall be liable to be punished as if he had been convicted on an indictment for such offence as aforesaid.

61 & 62 Vict. c. 36.

(6) Section four of the Criminal Evidence Act, 1898, shall have effect as if this section of this Act were included in the Schedule to that Act.

False entries.

57. Any person who in any book, statement, or return knowingly makes any false entry as to any matter as to which he is by this Act or any rules made under this Act required to make an entry shall be guilty of a misdemeanour.

Punishment of person making untrue statement for purpose of obtaining certificate or approval.

58. If any person, for the purpose of obtaining any certificate or approval under this Act or the renewal of any such certificate or approval, wilfully supplies to the Board any untrue or incorrect information, plan, description, or notice he shall be guilty of a misdemeanour.

Penalty for breach of regulations.

59. If any person is guilty of a breach of any regulation made under this Act, he shall be liable on summary conviction to a penalty not exceeding such as may be prescribed as respects such a breach by the regulations, but the maximum penalty imposed by the regulations in respect of any breach shall not exceed imprisonment, with or without hard labour, for a term of three months or a fine of fifty pounds, or both.

Punishment for offences.

60.—(1) An offence under this Act declared to be a misdemeanour shall be punishable by fine or by imprisonment for a term not exceeding two years, with or without hard labour, but may, except where otherwise expressly provided, instead of being prosecuted on indictment, be prosecuted summarily, and, if so prosecuted, shall be punishable only with imprisonment for a term not exceeding three months, with or without hard labour, or with a fine not exceeding fifty pounds, or both.

(2) Any other offence under this Act shall be punishable summarily with imprisonment for a term not exceeding three months with or without hard labour, or with a fine not exceeding fifty pounds, or both.

Appeals.

61. Any person aggrieved by the conviction or sentence of a court of summary jurisdiction under this Act may appeal to quarter sessions.

Protection of officers for the purposes of arrest.

62. The managers of an institution and the owner of a certified house and every officer of such institution or house authorised in writing by the managers or owner, for the purpose of conveying a person to or from the institution, or house, or of apprehending and bringing him back to the institution or house in case of his escape or refusal to return, shall, for that purpose and while engaged in that duty, have all the powers, protections, and privileges of a constable.

Application of sections 330 and 332 of Lunacy Act, 1890.

63. Section three hundred and thirty of the Lunacy Act, 1890, which relates to the protection of persons putting that Act in force, and section three hundred and thirty-two of the

same Act, which relates to the powers of Commissioners and visitors to summons witnesses, shall have effect as if they were herein enacted and in terms made applicable to this Act.

Supplemental.

Administration of property. 53 & 54 Vict. c. 5.

64. The provisions of section fifty and Part IV. of the Lunacy Act, 1890, as amended by any subsequent enactment, shall apply with respect to the management and administration of the estate of a person sent to or placed in an institution or to or in a certified house or placed under guardianship in accordance with the provisions of this Act, in like manner as they apply to the management and administration of the estate of a person lawfully detained as a lunatic but not so found by inquisition, and shall apply to the management and administration of the estate of a person with regard to whom it is proved to the satisfaction of the judge in lunacy that he is a defective within the meaning of this Act in like manner as they apply to the management and administration of the estate of a person who is through mental infirmity arising from disease or age incapable of managing his affairs.

Transfer to Board of powers and duties of Lunacy Commissioners.

65.—(1) All the powers and duties of the Commissioners in Lunacy under the Lunacy Acts, 1890 to 1911, shall, as from the commencement of this Act, be transferred to the Board, and His Majesty may, by Order in Council, direct that anything which under those Acts is required or authorised to be done by, to, or in respect of, any one or more Commissioners in Lunacy or any officer of those Commissioners shall, be done by, to, or in respect of, one or more Commissioners under this Act, or the corresponding officer of the Board:

Provided that nothing in such Order in Council shall authorise anything by those Acts required to be done by two Commissioners, one a medical practitioner and the other a barrister, to be done otherwise than by two commissioners, one a medical and the other a legal commissioner, but the order may provide that, in the case of the temporary illness or disability of a legal or medical commissioner, the Lord Chancellor or the Secretary of State (as the case may be) may appoint a person qualified to be a legal or medical commissioner to act as substitute so long as the illness or disability continues.

(2) As from the commencement of this Act, the existing staff of the Commissioners in Lunacy shall be transferred to and become members of the staff of the Board, but without prejudice to the rights of any existing members of such staff.

(3) As from the commencement of this Act, sections one hundred and fifty to one hundred and sixty-one of the Lunacy Act, 1890, shall be repealed.

Power to authorise committee for care of mentally defective

66. The Secretary of State may by order authorise the council of a county or county borough acting as a local authority under the Lunacy Acts, 1890 to 1911, to appoint the committee for the care of the mentally defective constituted

to act as asylums committee.

under this Act to be the visiting committee or asylums committee for the purposes of those Acts, anything in those Acts to the contrary notwithstanding.

Repeal of Idiots Act, 1886.

67.—(1) The Idiots Act, 1886, is hereby repealed.

(2) Any hospital, institution, or licensed house which at the commencement of this Act is registered under the Idiots Act, 1886, shall, without further certification, become a certified institution under this Act:

Provided that—

(*a*) if any such hospital, institution, or licensed house is carried on for private profit, the hospital, institution, or house shall become a certified house instead of a certified institution; and

(*b*) if the committee of management of any such hospital, institution, or licensed house make an application to the Board for the purpose, and the Board makes an order, the whole or any part of the hospital, institution, or house to which the order relates shall become and be treated as an approved home.

(3) Any person who before the commencement of this Act has been placed in a hospital, institution, or licensed house registered under the Idiots Act, 1886, may, after the commencement of this Act, continue to be detained therein in like manner in all respects as if he had been placed therein in pursuance of the provisions of this Act and immediately after the commencement thereof.

(4) Nothing in this Act shall affect the right of any person who is or has been an officer or servant of a hospital, institution, or licensed house registered under the Idiots Act, 1886, to receive or to continue to receive any superannuation allowance to which he would have been entitled had this Act not been passed.

Provisions as to regulations.

68. Regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and, if within thirty sitting days after they have been so laid either House of Parliament presents an address to His Majesty praying that any such regulations may be annulled, His Majesty may, by Order in Council, annul the regulations, without prejudice, however, to anything done thereunder, and the regulations made under this Act shall have effect as if enacted in this Act.

Liability to removal. 9 & 10 Vict. c. 66.

69. The time during which a defective is detained in an institution or resides in an approved home under this Act shall for all purposes be excluded in the computation of time mentioned in section one of the Poor Removal Act, 1846, as amended by any subsequent enactment.

Provisions against disfranchisement.

70. The maintenance in an institution or under guardianship under this Act of any person for whose maintenance any other person is responsible shall not deprive that other person

of any franchise, right, or privilege, or subject him to any disability.

Interpretation.

71.—(1) In this Act, unless the context otherwise requires,—

The expression "prescribed" means prescribed by regulations made under this Act:

The expression "parent or guardian" in relation to a defective shall include any person who undertakes or performs towards the defective the duty of a parent or guardian:

The expression "relative" means the husband or wife or a lineal ancestor or lineal descendant, or lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother:

The expression "intoxicants" includes any intoxicating liquor, and any sedative, narcotic, or stimulant drug or preparation:

The expression "place of safety" means any workhouse or police station, any institution, any place of detention, and any hospital, surgery, or other suitable place, the occupier of which is willing to receive temporarily persons who may be taken to places of safety under this Act:

The expression "special school or class" means a special school or class within the meaning of the Elementary Education (Defective and Epileptic Children) Act, 1899:

The expressions "institution" and "institution for defectives" mean a state institution or certified institution:

The expression "State institution" means an institution for defectives of dangerous or violent propensities established by the Board under this Act:

The expression "certified institution" means an institution in respect of which a certificate has been granted under this Act to the managers to receive defectives therein, and includes, subject to the provisions of this Act, any premises provided by a board of guardians and approved under this Act:

The expression "certified house" means a house in which defectives are received by the owner thereof for his private profit, and in respect of which a certificate has been granted under this Act:

The expression "approved home" means any premises in which defectives are received and supported wholly or partly by voluntary contributions, or by applying the excess of payment of some patients for or towards the support of other patients, or a house in which defectives are received by the owner thereof for his private profit, and which has been approved by the Board under this Act:

The expression "institution for lunatics" has the same meaning as in the Lunacy Acts, 1890 to 1911:

The expression "board of guardians of a poor law union" shall include the Metropolitan Asylums Board and any joint committee of a combination of unions constituted by order of the Local Government Board.

(2) Cost on income account shall, as respects an institution provided by a local authority, include expenditure out of income by the authority by way of interest on or repayment of capital raised, or by way of rent or other similar payment, for the purposes of the provision of the institution.

(3) For the purposes of this Act, the Scilly Islands shall be deemed to be a county, and the council of those islands the council of a county, and any expenses incurred by that council under the provisions of this Act shall be treated as general expenses of the council.

Short title, extent, and commencement.

72.—(1) This Act may be cited as the Mental Deficiency Act, 1913.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the first day of April nineteen hundred and fourteen, except that as respects the constitution of the Board of Control, and the appointment of the secretary, officers, and servants of the Board, it shall come into operation on the first day of November nineteen hundred and thirteen.

Section 22.

SCHEDULE.

Powers and Duties of the Administrative Committee.

1. The supervision of the administration by local authorities of their power and duties under this Act.

2. The certification and approval of premises.

3. The provision and maintenance of State institutions.

4. The administration of grants made out of moneys provided by Parliament under this Act.

5. Such other powers and duties of the Board under this Act of an administrative nature as the Secretary of State or the Board may assign to the administrative committee.

CHAPTER 29.

An Act to amend the Law relating to Intermediate Education in Ireland. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Substitution of school inspection for public examination in the case of students under fourteen.

1.—(1) From and after the commencement of this Act, the Intermediate Education Board for Ireland (in this Act referred to as "the Board") shall not hold any public examination, admission to which is confined to students under the age of fourteen years.

(2) The Board may make provision—

(*a*) for the inspection of intermediate schools annually with a view to ascertaining the degrees of efficiency shown in the education of pupils under the age of fourteen and not under the age of twelve years; and

(*b*) for the payment to managers of schools of fees dependent on the results of such inspection;

and, subject to the restrictions contained in section seven and the proviso to subsection (4) of section five of the Intermediate Education (Ireland) Act, 1878, but notwithstanding anything in any other enactment, may apply the funds at their disposal to the payment of such fees accordingly. 41 & 42 Vict. c. 66.

(3) The Board in any year in respect of which provision is made by them for the payment of fees under this section shall, so far as practicable, appropriate the funds at their disposal in such a manner, that a sum not exceeding one-sixth of the total amount available in the year for the payment of fees to managers of schools may be available for the payment of fees under this section.

Power to grant superannuation allowance. 63 & 64 Vict. c. 43.

2. The Board shall, in addition to the powers given to them by section three of the Intermediate Education (Ireland) Act, 1900, have power, with the approval of the Treasury, to make a scheme providing for the grant of superannuation and other allowances or gratuities to or for the benefit of such of the assistant commissioners, and of the inspectors, clerks and other officers employed by the Board, as may be from time to time approved by the Treasury, and may, out of the funds at their disposal, pay to such persons on retirement, or to their legal personal representatives on death, such superannuation and other allowances or gratuities under the scheme as the Treasury may sanction in each case, and the Treasury may determine those funds to be public funds for the purposes of the Superannuation Act, 1892. 55 & 56 Vict. c. 40.

Power to make rules.

3.—(1) The Board may, with the approval of the Lord Lieutenant, make rules for carrying into effect the objects of section one of this Act, and in particular for prescribing and satisfying themselves as to the observance of conditions upon which managers of schools may receive payment of fees.

(2) All rules made in pursuance of this section shall be laid before both Houses of Parliament within twenty-one days next after the same have been made, if Parliament is then sitting, or if Parliament is not then sitting, within twenty-one days after the commencement of the then next ensuing session,

and, if any such rules are disapproved by either House of Parliament within forty days after the same have been so laid before Parliament, such rules, or such part thereof as may be so disapproved, shall thereupon become void and of no effect.

Short title and construction.

4. This Act may be cited as the Intermediate Education (Ireland) Act, 1913, and shall be construed as one with the Intermediate Education (Ireland) Acts, 1878 to 1909; and this Act and those Acts may be cited collectively as the Intermediate Education (Ireland) Acts, 1878 to 1913.

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CHAPTER 30.

An Act to continue the Duty of Customs on Tea, and to re-impose Income Tax (including super-tax), and to apply with respect to Income Tax (including super-tax) and the annual value of property the like provisions as were applied in the last preceding year. [15th August 1913.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Duty on tea. 2 & 3 Geo. 5. c. 8.

1. The duty of Customs payable on tea until the first day of July nineteen hundred and thirteen, under the Finance Act, 1912, shall continue to be charged, levied, and paid until the first day of July nineteen hundred and fourteen, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound - - - - - fivepence.

Income tax for 1913–14.

2.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and thirteen shall be charged at the rate of one shilling and twopence, and the same super-tax shall be charged, levied, and paid for that year as was charged for the year beginning on the sixth day of April nineteen hundred and twelve.

(2) All such enactments relating to income tax (including super-tax) as were in force with respect to duties of income tax granted for the year beginning on the sixth day of April

nineteen hundred and twelve shall have full force and effect with respect to any duties of income tax hereby granted.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and thirteen, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

16 & 17 Vict. c. 34.

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869.

32 & 33 Vict. c. 67.

Deductions in respect of expenses involved in earning salary, &c.

3. Where the Treasury are satisfied with respect to any class of persons in receipt of any salary, fees, or emoluments payable out of the public revenue that such persons are obliged to lay out and expend money wholly, exclusively, and necessarily in the performance of the duties in respect of which such salary, fees, or emoluments are payable, the Treasury may fix such sum as in their opinion represents a fair equivalent of the average annual amount laid out and expended as aforesaid by persons of that class, and in assessing the income tax on the salary, fees, or emoluments of persons of that class, there shall be deducted from the amount thereof the sums so fixed by the Treasury. Provided that if any person would, but for the provisions of this section, be entitled to deduct a larger amount than the sum so fixed, that sum may be deducted instead of the sum so fixed.

Short title.

4. This Act may be cited as the Finance Act, 1913.

CHAPTER 31.

An Act to amend the Industrial and Provident Societies Act, 1893. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Registration of society consisting of two or more other societies.

56 & 57 Vict. c. 39.

1. A society consisting solely of two or more registered societies may, notwithstanding anything contained in section five of the Industrial and Provident Societies Act, 1893 (in this Act referred to as the principal Act), be registered if the application to register the society is signed by two members of the committee and the secretary of each of the constituent societies, and is accompanied by two printed copies of the rules of each such society.

Audit of accounts.

2.—(1) Every registered society shall once in every year submit its accounts for audit to one or more of the public auditors appointed under the provisions of the principal Act.

(2) An auditor shall not hold any other office in connexion with the society.

Annual return.

3.—(1) For paragraph (*c*) of subsection (2) of section fourteen of the principal Act (which relates to the date to which annual returns are to be made up) the following paragraph shall be substituted:—

"(*c*) shall be made up from the date of its registration or last annual return to that of its last published balance sheet, unless the last-mentioned date is more than four months before or more than one month after the thirty-first day of December, in which case it shall be made up to the said thirty-first day of December inclusive; and"

(2) A registered society shall, together with the annual return, send to the Registrar a copy of the report of the auditors and a copy of each balance sheet made during the period included in the return.

Triennial returns of shareholders.

4. A registered society shall, once at least in every three years, make out and send to the registrar, together with the annual return for the year, a special return signed by the auditor or auditors showing the holding of each person in the society (whether in shares or loans) at the date to which the said annual return is made out: Provided that, where such persons are in the list of members kept by the society distinguished by numbers, it shall be sufficient if they are distinguished in the special return by such numbers, and in that case it shall not be necessary to specify their names.

Amendment of principal Act as to nominations.

5.—(1) The principal Act shall as respects nominations made after the commencement of this Act have effect as if the following provisions were substituted for section twenty-five of the principal Act:—

"(1) A member of a registered society not being under the age of sixteen years may, by writing under his hand delivered at or sent to the registered office of the society during the lifetime of such member or made in any book kept thereat, nominate any person or persons to or among whom there shall be transferred at his decease such property in the society as may be his at the time of his decease (whether in shares, loans, or deposits, or otherwise), or so much thereof as is specified in such nomination, if the nomination does not comprise the whole. If on the death of the nominator the amount of his property in the society comprised in the nomination exceeds one hundred pounds the nomination shall be valid

to the extent of the sum of one hundred pounds, but not further or otherwise:

Provided that a person so nominated shall not be an officer or servant of the society unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator.

"(2) A nomination so made may be revoked or varied by a subsequent nomination signed and delivered or sent or made as aforesaid or by any similar document in the nature of a revocation or variation under the hand of the nominator so delivered sent or made as aforesaid, but shall not be revocable or variable by the will of the nominator or by any codicil thereto.

"(3) The society shall keep a book wherein the names of all persons so nominated and all revocations or variations (if any) of such nominations shall be recorded, and the property comprised in any such nomination to an amount not exceeding one hundred pounds shall be payable or transferable to the nominee although the rules of the society declare the shares not to be transferable.

"(4) The marriage of a member of a society shall operate as a revocation of any nomination made by him before such marriage, provided that, in the event of an officer of a society having transferred any property of a member to a nominee, in ignorance of a marriage contracted subsequent to the date of the nomination, the receipt of the nominee shall be a valid discharge to the society, and the society shall be under no liability to any other person claiming such property."

(2) The principal Act shall, as respects nominators dying after the commencement of this Act, have effect as if the following provisions were substituted for subsection (1) of section twenty-six of the principal Act:—

"(1) On receiving satisfactory proof of the death of a nominator, the committee of the society shall, subject to the limitation on amount herein-before provided, either transfer the property comprised in the nomination in manner directed by the nomination, or pay to every person entitled thereunder the full value of the property given to him, unless the shares comprised in the nomination, if transferred as directed by the nominator, would raise the share capital of any nominee to a sum exceeding two hundred pounds, in which case they shall pay him the value of such excess.

"(2) Where a nominee who is nominated under the provisions of this Act is under sixteen years of age, the

society may pay the sum nominated to either parent, or to a guardian of the nominee, or to any other person of full age who will undertake to hold the same on trust for the nominee or to apply the same for his benefit and whom the society may think a fit and proper person for the purpose, and the receipt of such parent, guardian, or other person shall be a sufficient discharge to the society for all moneys so paid."

Provisions as to death duties.

6. The principal Act shall have effect with respect to the payment of duty on the death of members dying after the commencement of this Act as if the following provisions were substituted for section twenty-eight of the principal Act:—

"(1) If the principal value of the estate, in respect of which estate duty is payable, of any deceased member of a registered society exceeds one hundred pounds, any property or money to be transferred or paid under section twenty-five, twenty-six, or twenty-seven of this Act without probate or administration shall be liable to estate duty as part of the amount on which that duty is charged; and the committee of the society, before making any such transfer or payment, may require a statutory declaration by the claimant or one of the claimants that such principal value, including the property or money in question, does not, after deduction of debts and funeral expenses, exceed one hundred pounds.

"(2) If the principal value of the property or money to be so transferred or paid exceeds eighty pounds the committee of the society shall, before making any transfer or payment to any person other than the legal personal representative of the deceased member, require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty, and a duly stamped receipt for the succession or legacy duty payable in respect of the property or money so transferred or paid, or a certificate that no estate, succession or legacy duty is payable thereon."

Amendment of section 29 of the principal Act.

7. In section twenty-nine of the principal Act (which relates to the property of insane members) the words "not exceeding one hundred pounds" shall be repealed.

Dissolution and transfer of engagements.

8. On dissolution or transfer of engagements, as provided for in sections fifty-eight and fifty-three of the principal Act, the society shall not be dissolved and registration of the society shall not be cancelled until a certificate signed by the liquidator or by the secretary or some other officer of the society approved by the Registrar has been lodged with the Registrar that all property

vested in the society has been duly conveyed or transferred by the society to the persons entitled.

Inspections and special meetings.

9. In subsection (4) of section fifty of the principal Act (which relates to the expenses of inspections and special meetings) after the word "incidental" there shall be inserted the words "or preliminary."

Offences by societies, &c.

10. The following provisions shall be substituted for section sixty-two of the principal Act :—

"It shall be an offence under this Act if—

(*a*) a registered society, or an officer or member thereof, or any other person, fails to give any notice, send any return or document, do or allow to be done anything which the society, officer, or member, or person is by this Act required to give, send, do, or allow to be done ; or

(*b*) a registered society, or an officer or member thereof, or any or other person, wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the chief or other registrar, or by any other person authorised under this Act, or does anything forbidden by this Act ; or

(*c*) a registered society, or an officer or member thereof, or any other person, makes a return, or wilfully furnishes information in any respect false or insufficient ; or

(*d*) a registered society carries on the business of banking when it has any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is herein-before required, or makes any payment of withdrawable capital contrary to the provisions of this Act."

Recovery of penalties.

11. The following subsections shall be added to the provisions contained in section sixty-nine of the principal Act :—

"(3) Any costs or expenses ordered or directed by the chief or other registrar to be paid by any person under this Act shall be recoverable summarily before a court of summary jurisdiction as a civil debt.

"(4) Where proceedings are taken against a society for the recovery of any fine under this Act, the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society, or, if that office is closed, by posting the copy on the outer door of that office."

Short title, construction, commencement, and repeal.

12.—(1) This Act may be cited as the Industrial and Provident Societies (Amendment) Act, 1913, and the Industrial and Provident Societies Acts, 1893 to 1895, and this Act may be

cited together as the Industrial and Provident Societies Acts, 1893 to 1913.

(2) This Act shall be construed as one with the Industrial and Provident Societies Act, 1893, and shall come into operation on the first day of January nineteen hundred and fourteen.

(3) The principal Act is hereby repealed to the extent specified in the third column of the Schedule to this Act.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 39.	The Industrial and Provident Societies Act, 1893.	Subsection (1) of section thirteen. In section fourteen, paragraph (*c*) of subsection (2), and all the words from "and if by any persons" to the end of the section. Section twenty-five, except as respects nominations made before the commencement of this Act. Section twenty-six. Subsection (1) of section twenty-seven, from "subject" to the end of the subsection. Section twenty-eight. In section twenty-nine, the words "not exceeding one hundred "pounds." Section sixty-two. In section seventy-two the words "but the employment of such "auditors shall not be com- "pulsory."

CHAPTER 32.

An Act to consolidate and amend the Law relating to Ancient Monuments and for other purposes in connection therewith. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

Acquisition of Ancient Monuments.

Purchase of ancient monuments by agreement.

1.—(1) The Commissioners of Works may, with the consent of the Treasury, purchase by agreement, out of any moneys which may be provided by Parliament for that purpose, any monument which appears to them to be an ancient monument within the meaning of this Act.

(2) Any local authority within the meaning of this Act may, if they think fit, purchase by agreement any monument situate in or in the vicinity of their area, which appears to them to be an ancient monument within the meaning of this Act.

(3) For the purpose of any such purchase, the Lands Clauses Acts shall be incorporated with this Act (with the exception of the provisions which relate to the purchase and taking of lands otherwise than by agreement), and, in construing those Acts for the purposes of this Act, this Act shall be deemed to be the special Act, and the Commissioners of Works or local authority, as the case may be, shall be deemed to be the promoters of the undertaking.

Gift, devise, or bequest of ancient monuments to Commissioners of Works.

2. Any person may, by deed or will, give, devise, or bequeath to the Commissioners of Works or to a local authority all such estate or interest in any ancient monument as he may be seised or possessed of, and the Commissioners or authority may accept any such gift, devise or bequest if they think it expedient to do so.

Part II.

Guardianship of Ancient Monuments.

Power to constitute commissioners of Works guardians of ancient monuments.

3.—(1) The owner of any monument which appears to the Commissioners of Works to be an ancient monument within the meaning of this Act may, with the consent of the Commissioners, constitute them by deed guardians of the monument.

(2) The owner of any monument which appears to a local authority to be an ancient monument within the meaning of this Act, and is situate in or in the vicinity of their area may, with the consent of the local authority, constitute them by deed guardians of the monument:

Provided that the Commissioners of Works or the local authority, as the case may be, shall not consent to become guardians of any structure which is occupied as a dwelling-house by any person other than a person employed as the caretaker thereof or his family.

(3) Every person deriving title to any monument from, through, or under any owner who has constituted the Commissioners of Works or a local authority guardians of the monument under this section shall be bound by the deed executed by the owner for that purpose, and, where the owner

of any land being the site of a monument is a tenant for life or in tail, or heir of entail in possession in Scotland, having a power of sale of the land either under the terms of a will or settlement or under any Act of Parliament, the deed executed by the owner in respect of the site of which he is so tenant for life or in tail or heir of entail in possession shall bind every successive owner of any estate or interest in the land, and the execution of any such deed by the tenant for life or in tail or heir of entail in possession shall not render him subject to any liability on account of any depreciation of property attributable thereto.

(4) Where the site of a monument is, at the time of the execution of the deed, subject to any incumbrance not capable of being over-reached by the tenant for life under the powers conferred on him by the Settled Land Acts, 1882 to 1890, or by the instrument creating the settlement, the deed shall not bind the incumbrancer.

(5) Except as provided by this Act, the owner of a monument, of which the Commissioners of Works or a local authority become guardians under this Act, shall have the same right and title to, and estate and interest in, the monument in all respects as if the Commissioners or local authority, as the case may be, had not become guardians thereof.

Effect of becoming guardians of ancient monuments.

4.—(1) Where the Commissioners of Works or a local authority become guardians of any ancient monument under this Act, they shall, until they receive notice in writing to the contrary from any owner of the monument who is not bound by the deed constituting them guardians of the monument, maintain the monument, and shall, with a view to the maintenance of the monument, have access by themselves, their inspectors, agents, or workmen to the monument for the purpose of inspecting it, and of bringing such materials and doing such acts and things as may be required for the maintenance thereof.

(2) All expenses incurred by the Commissioners of Works in maintaining the monument shall, subject to the approval of the Treasury, be defrayed out of moneys provided by Parliament.

(3) The expression "maintenance" in this section includes the fencing, repairing, and covering in, of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and the expression "maintain" shall be construed accordingly.

Description of owners for purposes of Part II.

5.—(1) The following persons shall be deemed to be owners of monuments for the purposes of this Part of this Act, that is to say:—

(*a*) Any person entitled for an estate in fee to the possession or receipt of the rents and profits of any freehold or copyhold land:

(*b*) Any person absolutely entitled in possession to a beneficial lease of land of which not less than forty-five years are unexpired, but no lease shall be deemed to be a beneficial lease within the meaning of this section if the rent reserved thereby exceeds one third part of the full annual value of the land demised by the lease :

(*c*) Any person entitled under any existing or future settlement for the term of his own life, or the life of any other person, to the possession or receipt of the rents and profits of land of any tenure, in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or an estate renewable for a term of not less than sixty years, or an estate for a term of years of which not less than sixty are unexpired, or any greater estate :

(*d*) Any body corporate, any corporation sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled, in the case of freehold or copyhold land, in fee, and in the case of leasehold land, to a lease for an unexpired term of not less than sixty years.

(2) Where any person who, by virtue of this section, is to be deemed the owner of a monument is a minor, or of unsound mind, the guardian or committee, or, in Scotland, the tutor or curator, as the case may be, of that person shall be the owner for the purposes of this Part of this Act, and, where such owner is a married woman, she shall have power to execute a deed constituting the Commissioners of Works or a local authority guardians notwithstanding that she is restrained from anticipation.

(3) In this section the expression "entitled" means beneficially entitled ; and the expression "land" means land which is the site of an ancient monument, whether the land is or is not subject to incumbrances.

Part III.

Protection of Ancient Monuments.

Orders placing ancient monuments under protection of Commissioners of Works.

6.—(1) If the Ancient Monuments Board constituted under this Act report to the Commissioners of Works that any monument is in danger of destruction or removal or damage from neglect or injudicious treatment, and that the preservation of the monument is of national importance, the Commissioners may, if they think fit, and if it appears to them that the monument is an ancient monument within the meaning of this Act, make an order (in this Act referred to as a Preservation Order) placing the monument under the protection of the Commissioners :

Provided that, if in any case the Commissioners of Works consider that the making of such an order is a matter of immediate urgency, the Commissioners may make the order without receiving any such report as aforesaid.

(2) Where the ancient Monuments Board have reason to believe that any monument is in danger as aforesaid, and that the preservation of the monument is of national importance, they may themselves, or by any person authorised in writing by them, enter at any reasonable time upon any premises for the purpose of enabling them to determine by inspection of the monument whether it is proper for them to report to the Commissioners:

Provided that, unless the Ancient Monuments Board consider that the inspection of the monument is a matter of immediate urgency, they shall give not less than seven clear days' notice to the occupier of the premises of their intention so to enter upon them.

(3) A Preservation Order shall have effect for a period of eighteen months after the date on which it is made, but on the expiration of that period shall cease to have effect unless it has been confirmed by Parliament; and, if a Preservation Order so made is not confirmed by Parliament within a period of eighteen months, no further Preservation Order shall be made with reference to the same monument until after the expiration of five years from the date on which the Order which has ceased to have effect was made.

(4) The Commissioners of Works may bring in a Bill for confirming any Preservation Order, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill, so far as it relates to the Order, may be referred to a select committee or, if the two Houses of Parliament think fit so to order, to a joint committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of a private Bill.

(5) Where a Committee on a Bill for confirming any Preservation Order report by a majority of the members for the time being present and voting that a petitioner against the Bill has been unreasonably subjected to expense, or has been subjected to an unreasonable amount of expense in defending his rights proposed to be interfered with by the Bill, they may award costs against the Commissioners of Works and any costs under this section may be taxed and recovered in accordance with the Parliamentary Costs Act, 1865.

28 & 29 Vict. c. 27.

Effect of Preservation Order.

7.—(1) While a Preservation Order is in force, the monument to which the Order relates shall not be demolished or removed, nor shall any additions or alterations be made thereto or any work carried out in connection therewith except with the written consent of the Commissioners of Works.

(2) If, while a Preservation Order is in force, it appears to the Commissioners of Works that owing to the neglect of the

owner of the monument the monument is liable to fall into decay, the Commissioners may, with the consent of the Treasury, make an order constituting themselves guardians of the monument so long as the Preservation Order is in force, and in that case the provisions of this Act shall, during that period, take effect as if the Commissioners had been constituted guardians by virtue of a deed executed by the owner.

Any order made under this subsection may be revoked at any time by the Commissioners.

Saving for buildings used as dwelling-house.

8. This Part of this Act shall not apply to any structure which appears to the Commissioners of Works to be occupied as a dwelling-house (otherwise than by a person employed as the caretaker thereof or his family).

Part IV.

General.

Supplemental Provisions as to Preservation of Monuments.

Power to receive voluntary contributions for maintenance of ancient monuments.

9. The Commissioners of Works or any local authority may receive voluntary contributions towards the cost of the maintenance and preservation of any monument of which they may become the owners or guardians under the provisions of this Act, and may enter into any agreement with the owner of any such monument or with any other person as to the maintenance and preservation of the monument and the cost thereof.

Transfer of ancient monuments between local authorities and Commissioners of Works.

10. The Commissioners of Works and any local authority may, in respect of any monument of which they are the owners or guardians (but where they are guardians only with the consent of the owner of the monument), enter into and carry into effect any agreements for the transfer from the Commissioners to the local authority, or from the local authority to the Commissioners, or from the local authority to another local authority, of the monument, or of any estate or interest therein, or of the guardianship thereof.

General powers of local authorities with respect to preservation of ancient monuments.

11. Any local authority may, if they think fit, at the request of the owner, undertake or contribute towards the cost of preserving, maintaining, and managing, any monument which appears to them to be an ancient monument and is situate in, or in the vicinity of, their area, whether they have purchased the monument or become guardians of it under this Act or not: Provided that the plans and specification of all works, other than those of immediate necessity, to be undertaken or contributed by the local authority shall be submitted to the Ancient Monuments Board, and the Board, if they object to any plans or specifications, shall report the matter to the Commissioners of Works, whose decision shall be final.

Notice to be given by owners of certain monuments.

12.—(1) The Commissioners of Works shall from time to time cause to be prepared and published a list containing—

(*a*) such monuments as are reported by the Ancient Monuments Board as being monuments the preservation of which is of national importance; and

(*b*) such other monuments as the Commissioners think ought to be included in the list;

and the Commissioners shall, when they propose to include a monument in the list, inform the owner of the monument of their intention and of the penalties which may be incurred by a person guilty of an offence under the next succeeding subsection.

(2) Where the owner of any ancient monument which is included in any such list of monuments as aforesaid proposes to demolish or remove in whole or in part, structurally alter, or make additions to, the monument, he shall forthwith give notice of his intention to the Commissioners of Works, and shall not, except in the case of urgent necessity, commence any work of demolition, removal, alteration, or addition for a period of one month after having given such notice; and any person guilty of a contravention of or non-compliance with this provision shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(3) This section shall not apply to any structure which is occupied as a dwelling-house by any person other than a person employed as the caretaker thereof or his family.

Public Access to Monuments and Penalty for Injuring Monuments.

Public access to ancient monuments.

13. The public shall have access to any monument of which the Commissioners of Works or a local authority are the owners or guardians at such times and under such regulations as may from time to time be prescribed by the Commissioners or local authority:

Provided that—

(*a*) this section shall not apply to any monument of which the Commissioners or a local authority have been constituted the guardians before the commencement of this Act, except in cases where the consent of the owner has been given to the public having access to the monument either by the deed constituting the Commissioners or local authority the guardians or otherwise; and

(*b*) where the deed constituting the Commissioners or local authority the guardians of the monument, in the case of a deed executed after the commencement of this Act, so provides, the public shall not have access to the monument without the consent of the owner of the monument.

Penalty for injuring ancient monuments.

14.—(1) If any person injures or defaces any monument of which the Commissioners of Works or a local authority are the owners or guardians, or which is the subject of a Preservation Order, or to which this section applies by virtue of an Order in Council made thereunder, that person shall, on summary conviction, be liable either to a fine not exceeding five pounds, and, in addition to the fine, to pay such sums as the court by whom he is tried think just for the purpose of repairing any damages caused by him, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) In England, any person convicted of an offence under this Act may appeal to quarter sessions in manner provided by the Summary Jurisdiction Acts.

(3) The owner of an ancient monument shall not be punishable under this section in respect of any act which he may do to the monument, except in cases where the Commissioners of Works or the local authority have been constituted guardians of the monument, and in that case he may be dealt with as if he were not the owner.

(4) His Majesty may, by Order in Council, declare that this section shall apply to any monument specified in the Order which appears to His Majesty to be an ancient monument within the meaning of the Act, and on any such Order being made this section shall apply accordingly.

Ancient Monuments Board and Inspectors.

Ancient Monuments Board.

15.—(1) The Commissioners of Works shall constitute an Advisory Board under the name of the Ancient Monuments Board, consisting of members representing the bodies named in the First Schedule to this Act, and such other members as the Commissioners of Works may appoint; and may, if and when they think it desirable to do so, constitute separate advisory boards for Scotland and Wales, and, in such case, the obligation to appoint members representing the bodies named in the First Schedule to this Act shall, so far as those bodies are bodies whose activities are confined to England, Scotland, or Wales, be construed distributively.

(2) His Majesty may, by Order in Council, alter the First Schedule to this Act.

(3) The Ancient Monuments Board may, if so requested by the owner of an ancient monument, give advice, free of charge, except for out of pocket expenses, with reference to the treatment thereof.

Inspectors of ancient monuments.

16.—(1) The Commissioners of Works, with the consent of the Treasury, shall appoint one or more inspectors of ancient monuments, and it shall be the duty of those inspectors to report to the Commissioners of Works on the condition of ancient monuments and on the best mode of preserving them.

(2) There shall be paid, out of moneys provided by Parliament, to any inspectors so appointed, such remuneration and allowance for expenses as may be determined by the Treasury.

Advice and superintendence by Commissioners of Works.

17.—(1) The Commissioners of Works may, if they think fit, give advice with reference to the treatment of any ancient monument, and shall, as and when required, give that advice with reference to the treatment of any monument which is placed under their protection by virtue of a Preservation Order.

(2) The Commissioners of Works may also, if in their opinion it is advisable, superintend any work in connection with any ancient monument if invited to do so by the owner, and shall superintend any such work, whether required to do so by the owner or not, in connection with any monument which is placed under their protection by virtue of a Preservation Order if in their opinion it is advisable.

(3) Any such advice and superintendence shall be given free of charge, except that a charge may be made for out-of-pocket expenses in the case of monuments which are not placed under the protection of the Commissioners by virtue of a Preservation Order.

Miscellaneous.

Relaxation of byelaws.

18. Where it appears to the council of a borough or a district, which expression in this Act shall include the Common Council of the City of London, that the erection of buildings of a style of architecture in harmony with other buildings of artistic merit existing in the locality is impeded in consequence of any byelaws with respect to new streets or buildings in force in the borough or district, the council may, with the consent of the Local Government Board, relax the byelaws so far as may be necessary to allow the erection of such buildings, provided that the council is satisfied that such buildings can be erected with due regard to safety from fire and to sanitation: Provided also that no byelaws in force in the City of London shall be relaxed under this section except such as are administered by the Common Council of the City of London.

Power of councils to make byelaws regulating advertisements. 7 Edw. 7. c. 27.

19. The Advertisements Regulation Act, 1907, shall be construed as if the powers of the local authority as defined by that Act included a power to make byelaws prohibiting or restricting the display of advertisements or notices of such a nature or in such a manner as to be detrimental to the amenities of any ancient monument specified in the byelaw. Any power to make byelaws given by this section shall be in addition to, and not in derogation of, the powers to make byelaws given by the Advertisements Regulation Act, 1907, or by any other Act.

Incorporation of Commissioners of

20.—(1) For the purposes of this Act, the Commissioners of Works shall be a body corporate by that name and shall have

perpetual succession and a common seal, and may acquire by gift, will or otherwise, and hold without licence in mortmain, any land or estate or interest in land. Works for purposes of Act, &c.

(2) Any conveyance, appointment, devise or bequest of land or any estate or interest in land under this Act to the Commissioners of Works or a local authority shall not be deemed to be a conveyance, appointment, devise or bequest to a charitable use within the meaning of the Acts relating to charitable uses.

21.—(1) The council of every county and borough and the Common Council of the City of London shall be a local authority within the meaning of this Act. Local authorities.

(2) The expenses of a local authority under this Act shall be defrayed, in the case of the London County Council as payments for general county purposes, in the case of any other county council out of the county fund, and in the case of a borough council out of the borough fund or borough rate, or if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as a borough rate, and in the case of the City of London out of the general rate, and a local authority may borrow for the purposes of this Act in the case of a county council, as for the purposes of the Local Government Act, 1888, and in the case of a borough council, as for the purposes of the Public Health Acts; but the money borrowed by a borough council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable. 51 & 52 Vict. c. 41.

22. In this Act the expression "monument" includes any structure or erection, other than an ecclesiastical building which is for the time being used for ecclesiastical purposes; and the expression "ancient monument" includes any monument specified in the schedule to the Ancient Monuments Protection Act, 1882, and any other monuments or things which, in the opinion of the Commissioners of Works, are of a like character, and any monument or part or remains of a monument, the preservation of which is a matter of public interest by reason of the historic, architectural, traditional, artistic, or archæological interest attaching thereto, and the site of any such monument, or of any remains thereof; and any part of the adjoining land which may be required for the purpose of fencing, covering in, or otherwise preserving the monument from injury, and also includes the means of access thereto. Definition of ancient monument. 45 & 46 Vict. c. 73.

23.—(1) A duplicate of any report made to the Commissioners of Works by any inspector under this Act, or by the Ancient Monuments Board constituted under this Act, with reference to an ancient monument in Scotland, shall be forwarded to the Board of Trustees for the National Galleries of Scotland, and the Commissioners of Works shall take into consideration any representations which may be made to them in relation to the monument by that Board. Special provision as to Scotland.

(2) In the application of this Act to Scotland, references to a borough shall be construed as references to a Royal or Parliamentary burgh; references to a district and the council thereof shall be construed as references to a county and the county council, and the expenses of a county council shall be defrayed out of the general purposes rate; references to the borough fund or borough rate shall be construed as references to the general improvement assessment; and references to the Local Government Board, the Local Government Act, 1888, and the Public Health Acts shall be respectively construed as references to the Local Government Board for Scotland, the Local Government (Scotland) Act, 1889, and the Public Health (Scotland) Act, 1897.

52 & 53 Vict. c. 50.
60 & 61 Vict. c. 38.

Repeal.

24. The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule: Provided that—

(1) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act:

(2) Anything done under any Act repealed by this Act shall, for the purposes of this Act, be deemed to have been done under this Act:

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title and application.

25.—(1) This Act may be cited as the Ancient Monuments Consolidation and Amendment Act, 1913.

(2) This Act shall not apply to Ireland.

SCHEDULES.

FIRST SCHEDULE.

The Royal Commission on Historic Monuments in England.
The Royal Commission on Historic Monuments in Scotland.
The Royal Commission on Historic Monuments in Wales.
The Society of Antiquaries of London.
The Society of Antiquaries of Scotland.
The Royal Academy of Arts.
The Royal Institute of British Architects.
The Trustees of the British Museum.
The Board of Education.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 73.	The Ancient Monuments Protection Act, 1882.	The whole Act except so far as it relates to Ireland and except the Schedule.
63 & 64 Vict. c. 34.	The Ancient Monuments Protection Act, 1900.	The whole Act except so far as it relates to Ireland.
10 Edw. 7 & 1 Geo. 5. c. 3.	The Ancient Monuments Protection Act, 1910.	The whole Act except so far as it relates to Ireland.

CHAPTER 33.

An Act to promote Temperance in Scotland by conferring on the electors in prescribed areas control over the grant and renewal of certificates; by securing a later hour of opening for licensed premises; by amending the law relating to clubs; and by other provisions incidental thereto. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Date of Act coming into operation.

1. This Act shall, except as otherwise in this Act provided, come into operation on the expiration of eight years from the first day of June nineteen hundred and twelve.

Poll of electors on resolutions submitted.

2.—(1) If, in the manner hereinafter provided, a requisition demanding a poll under this Act in any area is found by the local authority to have been duly signed, the local authority shall cause a poll of the electors in such area (hereinafter called "a poll") to be taken in accordance with the provisions of this Act.

(2) The questions to be submitted to the electors at a poll shall be the adoption in and for such area of (*a*) a no-change resolution, or (*b*) a limiting resolution, or (*c*) a no-licence resolution.

(3) On a poll in any area—

(*a*) if fifty-five per cent. at least of the votes recorded are in favour of a no-licence resolution, and not less than thirty-five per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried; or if

(*b*) a majority of the votes recorded are in favour of a limiting resolution, and not less than thirty-five per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried; or if

(*c*) a majority of the votes recorded are in favour of a no-change resolution, or if no other resolution is carried, a no-change resolution shall be deemed to be carried; and

any such resolution so carried shall come into force on the twenty-eighth day of May immediately following the taking of the poll.

(4) An elector shall not be entitled to vote for more than one of the resolutions submitted at the poll, but, if a no-licence resolution be not carried, the votes recorded in favour of such resolution shall be added to those recorded in favour of the limiting resolution, and shall be deemed to have been recorded in favour thereof.

(5) Any such resolution if carried shall remain in force until the resolution is repealed or superseded as hereinafter provided.

Effect of resolutions, if carried.

3.—(1) For the period during which a no-licence resolution remains in force in any area, no certificate shall be granted therein; except that the licensing court may, on being satisfied that under the special circumstances of the case any certificate is reasonably required notwithstanding the fact that a no-licence resolution is in force in the area, grant one or more certificates for an inn and hotel or for premises structurally adapted for use and bonâ fide used or to be used as a restaurant: Provided that any certificate so granted shall be deemed to include the conditions that there shall be on the certificated premises no drinking-bar or other part of the premises mainly or exclusively used for the sale or consumption of exciseable liquors, and that such liquors shall be sold therein by retail only and to none but persons lodging or residing in the inn and hotel, or persons taking a meal on the premises of the restaurant or (if the court so sanction) of the inn and hotel, for consumption with such meal; and provided further that it shall be a condition of the renewal of any such certificate in any year after the year in which it is first granted under the provisions of this section that the applicant shall satisfy the court by production of an excise licence or otherwise that he is entitled to a reduction of duty in terms of section forty-five of the Finance (1909–10) Act, 1910.

10 Edw. 7 & 1 Geo. 5. c. 8.

(2) For the period during which a limiting resolution remains in force in any area, without prejudice to the other powers or discretion of the licensing court, it shall not be lawful for the licensing court to grant a greater number of certificates in such area than the nearest integral number which shall not exceed seventy-five per cent. of the number of certificates in force at the date at which such resolution is carried.

(3) If a limiting resolution is carried, the licensing court shall, before the first day of February following the poll, meet for the purpose of preparing a scheme for carrying out in the area the requirements of the resolution, which scheme shall give the particulars of any premises the certificates of which the court propose to withdraw, and every scheme prepared as aforesaid shall forthwith be advertised by the clerk to the licensing court in a newspaper circulating in the area and shall be open to the inspection of the public for three weeks before the first day of March following the poll at a place to be stated in the advertisement.

(4) Before the general half-yearly meeting of the licensing court held in April, the licensing court shall meet for the purpose of hearing the parties interested in the said scheme and adjusting the said scheme for consideration at the said April meeting, and the licensing court shall, at that meeting or at any adjournment thereof, take the scheme so adjusted into consideration, and, after hearing parties interested therein, so far as not already heard, and, if they modify the scheme, after hearing parties interested in any modification, shall decide upon the certificates to be withdrawn.

(5) The decision of the licensing court in refusing or reducing certificates in pursuance of a no-licence resolution or of a limiting resolution shall not be subject to appeal.

(6) It shall not be competent for a member of a licensing court to sign a requisition for a poll under this Act.

Resolutions at further polls.

4.—(1) Where a poll has been taken, and such poll, or the declared result thereof has not been declared void in terms of this Act, a further poll shall not be taken before the month of November in the third year from the date of the last poll.

(2) Such further poll may be taken—

(*a*) if a no-change resolution is in force, or a limiting resolution or no-licence resolution has been repealed, for the following options, that is to say, for a further no-change resolution, or for a no-licence resolution, or for a limiting resolution;

(*b*) if a limiting resolution is in force, for the following options, that is to say, for the repeal or continuance of any such resolution, or for a further limiting resolution, or for a no-licence resolution, provided that, if the repeal of any such resolution is not carried, the votes in favour of such repeal shall be added to those recorded in favour of a continuance

resolution and shall be deemed to have been recorded in favour thereof; and

(*c*) if a no-licence resolution is in force, for repealing the same.

(3) The provisions of section two of this Act, except as regards the questions to be submitted to the electors, shall apply to such further polls, provided that where a further poll is taken in any area where a limiting resolution or a no-licence resolution is in force and the majority of the votes recorded is not in favour of the repeal of such resolution, such repeal shall not be carried.

Supplemental provisions.

5.—(1) The requisition for a poll shall be in the form set out in Schedule I. to this Act, and shall be signed by not less than one-tenth of the electors in the area; and the signatures to the said requisition shall be appended thereto with the full addresses of the signatories, on papers which shall be issued on demand of any elector by the clerk to the local authority, not earlier than the fifteenth day of August immediately preceding the month in which the requisition is to be lodged; and such papers shall bear on each sheet the date of issue. The requisition shall be lodged during the month of September in any year with the clerk to the local authority, who shall thereupon insert, in not less than two newspapers circulating in the area, a notice of the receipt of such requisition, and shall allow inspection of the requisition by any elector, but, after the requisition has been so lodged, no signatures thereto may be withdrawn.

(2) On the day on which a poll under this Act is taken in any area, all the certificated premises in such area in which exciseable liquors are sold by retail shall remain closed for the sale of such liquors until after the hour fixed for the close of the poll, but nothing in this subsection contained shall prohibit the sale of such liquors to lodgers or to bonâ fide travellers taking meals on the premises in any room usually set apart for that purpose, for consumption therein at the meal, or the sale, distribution, or delivery of exciseable liquors under the conditions prescribed by section sixty-three of the Licensing (Scotland) Act, 1903.

3 Edw. 7. c. 25.

(3) A poll shall be taken on any day not being a market day which the local authority may fix in the month either of November or of December immediately following the lodging of the requisition: Provided that in a county a poll shall be taken only in the year of a triennial election of county councillors, except in the case of a poll held in the year in which a resolution under this Act is first competent; and provided further that, if a poll, or the declared result thereof, is by a judgment of the Court of Session declared void, the Court may, if they think fit, order the local authority to cause a new poll to be taken, or one-tenth of the electors in the area may, by requisition found by the local authority to have been duly signed within two months of the date of the judgment, demand a new

poll, and the local authority shall thereupon forthwith cause such poll to be taken.

(4) Polls under this Act shall be by ballot, and the Secretary for Scotland shall make rules for regulating the procedure with respect to requisitions and the taking of polls, and providing for the re-counting or scrutiny of the votes recorded on any poll when a demand is made therefor, and, without prejudice to the generality of the power hereby conferred, may by those rules apply for the purpose with any necessary modifications any enactments relating to Parliamentary or local government elections and to the prevention of corrupt and illegal practices thereat (including the penal provisions thereof):

Provided that, where a poll is taken for the first time in any area, the ballot papers shall be in the form contained in Schedule II. to this Act, with any modifications thereof to meet the circumstances of the case which may be sanctioned by the Secretary for Scotland, and, in case of polls other than the first poll or in cases where there are no certificates or not more than one certificate in force in the area, in such forms as may be prescribed by the Secretary for Scotland, who shall fix a maximum scale for the expenses of a poll, and any expenses incurred within such scale by the local authority in connection with this Act shall be defrayed out of the county general purposes rate in counties (excluding police burghs) and the burgh general or police assessment in burghs, but shall not be reckoned in any calculation as to the statutory limit of such assessment.

(5) If any returning officer, presiding officer, clerk or officer of the local authority is guilty of any wilful act or omission in contravention of any of the provisions of this Act, or of any of the rules made by the Secretary for Scotland under this Act, he shall on summary conviction, in cases where no penalty is otherwise provided, be liable to a penalty not exceeding ten pounds for the first and twenty pounds for every succeeding offence.

(6) Every person who forges or procures the forgery of any signature to a requisition, or alters or defaces a requisition, or delivers to the clerk to the local authority any requisition knowing it to contain signatures which have been forged, or to have been altered or defaced in any way, shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding ten pounds, or, alternatively, to imprisonment for a term not exceeding three months with or without hard labour.

Structural alterations.

6. As from the passing of this Act, and until the first day of June nineteen hundred and twenty, it shall not be competent for a licensing court to order any structural alterations of licensed premises under section forty-two, subsection (3), of the Licensing (Scotland) Act, 1903.

Later hour of opening.

7. Notwithstanding anything contained in the Licensing (Scotland) Act, 1903, the licensing court shall insert in all certificates granted from or after the twenty-eighth day of May nineteen hundred and fourteen the hour of ten o'clock in the

morning in lieu of the hour of eight of the clock in the morning, and the forms of certificate contained in the Sixth Schedule to the said Act shall be construed accordingly: Provided that, where sale of commodities other than exciseable liquors is otherwise lawful, such commodities may be sold before such hour, and provided further that exciseable liquors may be despatched before such hour in fulfilment of orders received as prescribed by section sixty-three of the Licensing (Scotland) Act, 1903, and that section fifty-six of that Act shall apply to this Act.

Amendment of law relating to clubs.

8.—(1) Section seventy-eight, subsection (1), of the Licensing (Scotland) Act, 1903 (hereinafter in this section referred to as "the Act of 1903"), shall be amended (*a*) by substituting the words "and the names and addresses of the members" for the words "and the names of the members"; (*b*) by substituting the words "two members either of the licensing court "or of the court of appeal for the county within which such "premises are situate, or one member of each of such courts "not being the same member, or, where such premises are "situate within a burgh, either by two justices of the peace "who for the time being are members of the court of appeal "from the burgh licensing court or by two magistrates of the "burgh, or by one justice, as aforesaid, and one magistrate," for the words "two justices of the peace for the county within "which such premises are situate, or, where such premises are "situate within a burgh, either by two justices of the peace, "as aforesaid, or by two magistrates of the burgh, or by one "justice and one magistrate"; and (*c*) by adding the words "(1) any such justice of the peace or magistrate may, within "ten days from the date on which he signed the certificate, "withdraw his name from the certificate granted by him; "and (2)," after the words "Provided that."

(2) Section seventy-nine, subsection (2), of the Act of 1903 shall be amended by including amongst those persons who may lodge objections to the grant or renewal of the certificate of registration the procurator fiscal and any person, or the agent of any person, owning or occupying property in the neighbourhood of the club, and by substituting the word "twenty-one" for the word "ten."

(3) Section seventy-nine, subsection (4), of the Act of 1903 shall have effect as if the power conferred thereby on the sheriff (to award expenses against the unsuccessful party where objection has been taken to the grant or renewal of a certificate) included the like power where a summary complaint has been lodged.

(4) Any person or council competent under the Act of 1903 to lodge objections to the grant or renewal of a certificate of registration may, within twenty-one days of the receipt of the notice of application for the grant or renewal of a certificate, lodge with the registrar objections to such grant or renewal of the certificate on one or more of the following grounds, and that in addition to the grounds specified in section eighty-one of the Act of 1903:—

(*a*) That the premises are, or the situation thereof is, not suitable or convenient for the purpose of a club; or

that there is a drinking-bar or other part of the premises mainly or exclusively used for the consumption of exciseable liquors; or

(*b*) That the club is to be used mainly as a drinking club; or

(*c*) That the owner of the premises, when the same are not owned by the club or the immediate lessor of the premises, or the officials and committee of management, or governing body, or the manager, or a servant employed in or by the club have, or has, or will have, a personal interest in the purchase by the club or in the sale in the club of exciseable liquors, or in the profits arising therefrom; or

(*d*) That persons are habitually admitted or supplied as members without an interval of at least two weeks between their nomination and election as ordinary members or for a subscription of a merely nominal amount; or

(*e*) That the officials and committee of management or governing body or the members are persons of bad character or who follow no lawful occupation and have no lawful means of subsistence; or

(*f*) That the club has been or will be used as the resort of criminals or persons of bad character; or

(*g*) That men or women of bad fame assemble in or frequent the club; or

(*h*) That exciseable liquors are sold or supplied for consumption on or off the premises between the hours of two in the morning and ten in the morning.

(5) Section eighty-nine of the Act of 1903 shall be read as if the words "an application with the accompanying documents "specified in section seventy-eight, subsection (1), of the Act "of 1903, any one of" were substituted for the words "an application for registration."

(6) This section shall take effect as from the passing of this Act.

Amendments of 3 Edw. 7. c. 25. ss 5. 16, and 31.

9.—(1) Section five, subsection (9) of the Licensing (Scotland) Act, 1903, shall be amended by the insertion at the end thereof of the words "provided that in the absence of a quorum the "chairman of the court or, in his absence, the clerk, may call a "further meeting in lieu of the meeting not held."

(2) Notwithstanding anything contained in section sixteen of the Licensing (Scotland) Act, 1903, it shall be lawful for the licensing court and the licensing appeal court, in any case where there are more than one application for a certificate for the same premises, to hear and consider the said applications together.

(3) Section thirty-one, subsection (2), of the Licensing (Scotland) Act, 1903, shall be amended by substituting the words "until the twenty-eighth day of May or the twenty-eighth day of November following, as the case may be," for the words "until the next general half-yearly meeting of the licensing court."

(4) This section shall take effect as from the passing of this Act.

Sale of exciseable liquors in theatres.

10.—(1) Exciseable liquors may be supplied or sold in a theatre or other place of public entertainment, whether erected before or after the commencement of the Licensing (Scotland) Act, 1903, only on the days on which, and during the hours within which, exciseable liquors may be supplied or sold in public-houses within the burgh or county or county licensing district, as the case may be, in which said theatre or other place of public entertainment is situate, and at no other time:

Provided that nothing in this section contained shall authorise any supply or sale of exciseable liquors which would otherwise be illegal.

(2) This section shall take effect as from the passing of this Act.

Sales on order of officials.

11.—(1) Section fifty-five of the Licensing (Scotland) Act, 1903, shall be amended by inserting after "officer of police," the words "including any constable in charge of any police station," and after "medical official" the words "or in case of sickness, accident, or emergency by a qualified medical practitioner."

(2) This section shall take effect as from the passing of this Act.

Power to close certificated premises in case of riot.

12.—(1) Where any riot or tumult happens, or is expected to happen, the sheriff may order every holder of a certificate for the sale by retail of exciseable liquors in or near the place where the riot or tumult happens, or is expected to happen, to close his premises during such time as the order shall require.

(2) If any person keeps open his premises for the sale of exciseable liquor during any time at which in pursuance of this section they are ordered to be closed, he shall be liable in respect of each offence to a penalty not exceeding fifty pounds.

(3) This section shall take effect as from the passing of this Act.

Drunken persons entering public-house.

3 Edw. 7. c. 25.

13.—(1) Any person who is in a state of intoxication, and found attempting to enter any public-house, shall be thereby guilty of an offence, and shall be subject to the same powers and procedure and penalty as provided in the first paragraph of subsection (1) of section seventy of the Licensing (Scotland) Act, 1903.

(2) This section shall take effect as from the passing of this Act.

Termination of existing leases, &c.

14. Where any certificate is not renewed in virtue of the provisions of this Act, or of any resolution carried in virtue of said provisions, any lease existing at the first day of June one thousand nine hundred and twelve of the premises referred to and licensed in said certificate, not being a long lease within the meaning of the Registration of Leases (Scotland) Act, 1857, and Acts amending the same, to the holder thereof, or any contract by the said holder existing at the said date for the purchase of exciseable liquors, or for service in connection with the sale thereof, shall cease and determine on a non-renewal of

20 & 21 Vict. c. 26.

the certificate as aforesaid, as if the date when the certificate was not renewed had been inserted in the lease or contract as the date of its natural termination:

Provided that this section shall not apply in the case of any lease or contract in which there is any provision altering the conditions in the event of the licence not being renewed or any provision enabling the lessee to cause such lease or contract to cease and determine at any time between the first day of June, nineteen hundred and twelve, and the coming into operation of this Act.

Definitions.

15. The several words and expressions used in this Act shall, unless otherwise provided or unless there be something in the subject or context repugnant to such construction, have the same respective meanings as in the Licensing (Scotland) Act, 1903:

Provided that in this Act—

"Area" means—

(*a*) in the case of a burgh divided into wards, the population of which burgh within the police boundaries thereof, as ascertained in the year nineteen hundred and nineteen for the purposes of this Act in manner approved by the Secretary for Scotland, is not less than twenty-five thousand, any ward of such burgh unless, where the population of any ward of such burgh as so ascertained is less than four thousand, the town council, by resolution passed on or before the first day of January nineteen hundred and twenty, determine that such ward shall for the purposes of this Act be combined with a ward contiguous thereto; and

(*b*) In the case of other burghs, the whole burgh; and

(*c*) in the case of a county, the parish, as defined in the Local Government (Scotland) Act, 1894, excluding any burgh or part of a burgh therein, and where a parish is situated within two counties, the portion in each county shall, for the purposes of this Act, be deemed to be a separate parish:

57 & 58 Vict. c. 58.

"Burgh" means a royal, parliamentary, or police burgh:

"County" means a county exclusive of any burgh or part of a burgh comprised therein:

"Certificate" means any certificate for the sale by retail of exciseable liquors granted in terms of or under the provisions of the Licensing (Scotland) Act, 1903: Provided that, for the period during which a no-licence resolution is in force in any area, no dealer's licence for the sale of exciseable liquor by wholesale shall be granted therein by the Commissioners of Customs and Excise, or by any officer of Customs and Excise, except to brewers of beer for sale, distillers, rectifiers, or compounders of spirits, makers of sweets,

or wholesale dealers in spirits, wine, beer, or sweets for premises for which similar licences have been taken out for twelve months before the date of the poll, including any reconstruction of, addition to, or extension of such premises on the same or an adjoining site, and any premises in substitution for such premises from which the holder of the licence removes without the production of a certificate authorising such sale from the licensing court; which certificate shall be applied for, granted, confirmed, transferred, and renewed in the same manner as though it were a certificate authorising such sale by retail; and provided further that, subject to the variation of conditions prescribed by this Act, the form of certificate for an inn and hotel or for a restaurant granted under section three of this Act shall be, respectively, the first and second form prescribed by the Sixth Schedule of the Licensing (Scotland) Act, 1903:

"Elector" means, in the case of—

(*a*) a burgh, any person registered as entitled to vote at an election of town councillors for that burgh, and when used in relation to any area in a burgh means a person so registered as entitled to vote at an election for that area; and in the case of—

(*b*) a parish (excluding any burgh or part of a burgh therein), any person registered as entitled to vote at an election of parish councillors for that parish, excluding as aforesaid: Provided that the supplementary register made up in the year nineteen hundred and nineteen under section twenty-eight of the Local Government (Scotland) Act, 1889, shall continue in operation for the purposes of a poll under this Act in the year nineteen hundred and twenty, and provided further that, for the purposes of a requisition in the year of a triennial election of county councillors before the register of parish council electors is made up, "elector" means any ratepayer within the parish, excluding as aforesaid:

52 & 53 Vict. c. 50.

The expression "grant" when used in relation to a certificate includes the grant of a certificate by way of renewal or transfer:

"Local authority" means, in the case of—

(*a*) a burgh, the town council thereof; and

(*b*) a county, the county council thereof:

"No-change resolution" means a resolution that the powers and discretion of the licensing court in regard to the grant of certificates or otherwise shall remain unchanged, and in section two as applied to a further poll in any area where a limiting resolution is in force means a continuance resolution.

16.—(1) This Act may be cited as the Temperance (Scotland) Act, 1913, and shall apply to Scotland only. Short title and citation.

(2) This Act and the Licensing (Scotland) Act, 1903, may be cited together as the Licensing (Scotland) Acts, 1903 to 1913.

SCHEDULES.

SCHEDULE I.

Section 5.

FORM OF REQUISITION FOR A POLL.

We, the subscribers hereto, being electors in [*here insert area for which the poll is demanded*] do hereby demand a poll under the terms of the Temperance (Scotland) Act, 1913.

Signature.	Name in full.	Address.	Number on Register.

SCHEDULE II.

Section 5

FORM OF BALLOT PAPER.

(Ballot Paper for [*here insert name of area*].)

Counterfoil No.

1	**NO-CHANGE RESOLUTION** (means that the powers and discretion of the licensing court shall remain unchanged).	
2	**LIMITING RESOLUTION** (means that the number of certificates for the sale of exciseable liquors shall be reduced by one quarter *in accordance with the provisions of the Act*).	
3	**NO-LICENCE RESOLUTION** (means that no certificate for the sale of exciseable liquors shall be granted except for inns and hotels or restaurants in special cases in accordance with the provisions of the Act).	

Indicate your vote by making a **X** in the right-hand space opposite the resolution for which you vote. You have one vote, and may vote for one resolution only. If you vote for the no-licence resolution and that resolution is not carried your vote will then be counted as a vote in favour of the limiting resolution.

CHAPTER 34.

An Act to amend the Law with respect to Bankruptcy and Deeds of Arrangement. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

BANKRUPTCY.

Power to prosecute offences summarily.

32 & 33 Vict. c. 62.

1.—(1) Any offence under, or which may be dealt with as if it were an offence under, the Debtors Act, 1869, alleged to have been committed by a person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, may be prosecuted summarily, and, if so prosecuted, references in the enactments creating those offences to the jury shall be construed as references to a court of summary jurisdiction:

Provided that—

(*a*) the maximum term of imprisonment, with or without hard labour, which may be awarded by a court of summary jurisdiction for any such offence shall be six months; and

(*b*) summary proceedings in respect of any such offence shall not be instituted after one year from the first discovery thereof either by the Official Receiver or by the trustee in the bankruptcy, or, in the case of proceedings instituted by a creditor, by the creditor, nor in any case shall they be instituted after three years from the commission of the offence.

(2) Where the prosecution of a person for any such offence is ordered by the court, and the order of the court is made on the application of the Official Receiver and based on his report, the Board of Trade may, notwithstanding anything in section one hundred and sixty-six of the Bankruptcy Act, 1883 (herein-after referred to as "the principal Act"), themselves or through the Official Receiver institute the prosecution and carry on the proceedings, if or so long as those proceedings are conducted before a court of summary jurisdiction, unless in the course thereof circumstances arise which, in the opinion of such court or of the Board, render it desirable that the remainder of the proceedings should be carried on by the Director of Public Prosecutions.

46 & 47 Vict. c. 52.

Provisions with respect to offences under the Debtors Act, 1869.

2.—(1) Where under the Debtors Act, 1869, an act or default committed by a person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, is

an offence unless the jury are satisfied that he had no intent to defraud, or (as the case may be) to conceal the state of his affairs or to defeat the law, it is hereby declared that the onus of proving the absence of such intent lies upon the person accused, and that it is not necessary to allege in the indictment or information charging the offence, or to prove, any such intent.

(2) Any acts or defaults committed after the commencement of this Act by any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, which under any of the provisions of the Debtors Act, 1869, are made offences if committed within four months next before the presentation of a bankruptcy petition by or against such person, shall be offences if committed within six months next before the presentation of such a petition.

(3) Any act or default which under paragraphs thirteen, fourteen, or fifteen of section eleven of the Debtors Act, 1869, as amended by this section, is an offence if committed within six months next before the presentation of a bankruptcy petition, shall be an offence if committed after the presentation of a bankruptcy petition and before the making of a receiving order.

(4) Paragraphs fourteen and fifteen of section eleven of the Debtors Act, 1869 (which make certain acts offences if committed by traders), shall extend to the like acts committed after the commencement of this Act by persons who are not traders, and accordingly those paragraphs in relation to persons who are not traders shall have effect as if the words "being a trader," wherever they occur in those paragraphs, and the words "otherwise than in the ordinary way of his trade," which occur in paragraph fifteen, were omitted therefrom.

(5) Section eleven of the Debtors Act, 1869, shall be construed and have effect as if references to the trustee administering an estate for the benefit of creditors included references to the Official Receiver.

(6) Section fourteen of the Debtors Act, 1869 (which relates to false claims by creditors), shall extend to persons claiming to be creditors, and accordingly in that section after the word "creditor" there shall be inserted the words "or any person claiming to be a creditor."

(7) Notwithstanding anything in section sixteen of the Debtors Act, 1869, it shall not be obligatory on any court, in the absence of any application by the Official Receiver for such an order, to make an order under that section for the prosecution of an offence, unless it appears to the court not only that there is a reasonable probability that the bankrupt will be convicted, but also that the circumstances are such as to render a prosecution desirable.

(8) The Debtors Act, 1869, shall, as regards any acts or defaults committed after the commencement of this Act, have effect as if for section eleven thereof there were substituted the

provisions set forth in the First Schedule to this Act, being the said section eleven as amended by subsequent enactments, including this section.

Punishment on bankrupt failing to keep proper accounts.

3.—(1) If any person who has on any previous occasion been adjudged bankrupt or made a composition or arrangement with his creditors is adjudged bankrupt, or if a receiving order is made in respect of his estate, he shall be guilty of an offence and may be dealt with and punished as if he had been guilty of an offence under section eleven of the Debtors Act, 1869, if, having during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition been engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof as aforesaid, and, if so engaged at the date of presentation of the petition, thereafter, whilst so engaged, up to the date of the receiving order, or has not preserved all books of account so kept:

Provided that a person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the receiving order did not exceed one hundred pounds, or if he proves that in the circumstances in which he traded or carried on business the omission was honest and excusable.

(2) A prosecution shall not be instituted against any person under this section except by order of the court, nor, where the receiving order in the bankruptcy is made within two years, from the commencement of this Act.

(3) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual stocktakings.

(4) Paragraphs (9), (10) and (11) of section eleven of the Debtors Act, 1869 (which relate to the destruction, mutilation and falsification and other fraudulent dealing with books and documents), shall, in their application to such books as aforesaid, have effect as if "two years next before the presentation of the bankruptcy petition" were substituted for the time mentioned in those paragraphs as the time prior to the presentation within which the acts or omissions specified in those paragraphs constitute an offence.

Punishment of bankrupt for gambling, &c.

4.—(1) Any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, shall be guilty of an offence, and may be dealt with and punished as if he had been guilty of an offence under section eleven of the

Debtors Act, 1869, if, having been engaged in any trade or business, and having outstanding at the date of the receiving order any debts contracted in the course and for the purposes of such trade or business,—

(*a*) he has, within two years prior to the presentation of the bankruptcy petition, materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations, and such gambling or speculations are unconnected with his trade or business; or

(*b*) he has, between the date of the presentation of the petition and the date of the receiving order, lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid; or

(*c*) on being required by the Official Receiver at any time, or, in the course of his public examination, by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition, or between that date and the date of the receiving order, he fails to give a satisfactory explanation of the manner in which such loss was incurred:

Provided that, in determining for the purposes of this section whether any speculations were rash and hazardous, the financial position of the accused person at the time when he entered into the speculations shall be taken into consideration.

(2) A prosecution shall not be instituted against any person under this section except by order of the court, nor, where the receiving order in the bankruptcy is made within two years, from the commencement of this Act.

Obtaining credit by undischarged bankrupts.

5.—(1) Where an undischarged bankrupt—

(*a*) either alone or jointly with any other person obtains credit to the extent of ten pounds or upwards from any person without informing such person that he is an undischarged bankrupt; or

(*b*) engages in any trade or business under a name other than that under which he was adjudicated bankrupt without disclosing to all persons with whom he enters into any business transaction the name under which he was adjudicated bankrupt;

he shall be guilty of an offence and may be dealt with and punished as if he had been guilty of an offence under section eleven of the Debtors Act, 1869.

(2) Section thirty-one of the principal Act is hereby repealed.

Amendment of provisions as to discharge. 53 & 54 Vict. c. 71.

6. Where under section eight of the Bankruptcy Act, 1890, an application is made by a bankrupt for his discharge, the period for which the discharge may be suspended may, notwithstanding anything in subsection (2) of that section, be a period of

less than two years if of the facts referred to in that subsection the only fact proved is that the bankrupt's assets are not of a value equal to ten shillings in the pound on the amount of his unsecured liabilities.

Security in cases of compositions and schemes of arrangement.

7. "Five shillings in the pound" shall be substituted for "seven shillings and sixpence in the pound" in subsection (9) of section three of the Bankruptcy Act, 1890, as the sum for the payment of which reasonable security must be provided under the circumstances stated in that subsection before the court may approve a proposal by a debtor for a composition in satisfaction of his debts or for a scheme of arrangement of his affairs.

Meaning of "debtor" in Bankruptcy Acts.

8. In the Bankruptcy Acts, 1883 and 1890, and in this Act, the expression "a debtor," unless the context otherwise implies, includes any person, whether a British subject or not, who at the time when any act of bankruptcy was done or suffered by him—

(*a*) was personally present in England; or

(*b*) ordinarily resided or had a place of residence in England; or

(*c*) was carrying on business in England, personally, or by means of an agent or manager; or

(*d*) was a member of a firm or partnership which carried on business in England.

Conditions on which creditor may petition.

9. For paragraph (*d*) of subsection (1) of section six of the principal Act (which relates to the conditions on which a creditor may present a bankruptcy petition), the following paragraph shall be substituted:—

"(*d*) The debtor is domiciled in England, or within a year before the date of the presentation of the petition has ordinarily resided, or had a dwelling-house or place of business, in England, or (except in the case of a person domiciled in Scotland or Ireland or a firm or partnership having its principal place of business in Scotland or Ireland) has carried on business in England, personally or by means of an agent or manager, or (except as aforesaid) is or within the said period has been a member of a firm or partnership of persons which has carried on business in England by means of a partner or partners, or an agent or manager."

Validity of certain payments to bankrupt and assignee.

10. A payment of money, or delivery of property, to a person subsequently adjudged bankrupt, or to a person claiming by assignment from him shall, notwithstanding anything in the enactments relating to bankruptcy, be a good discharge to the person paying the money or delivering the property, if the payment or delivery is made before the actual date on which the receiving order is made and (except in cases where the receiving

order is made under subsection (5) of section one hundred and three of the principal Act) without notice of the presentation of a bankruptcy petition, and is either pursuant to the ordinary course of business or otherwise bonâ fide.

Dealings with undischarged bankrupt.

11.—(1) All transactions by a bankrupt with any person dealing with him bonâ fide and for value in respect of property, whether real or personal, acquired by the bankrupt after the adjudication shall, if completed before any intervention by the trustee, be valid against the trustee, and any estate or interest in such property which by virtue of the enactments relating to bankruptcy is vested in the trustee shall determine and pass in such manner and to such extent as may be required for giving effect to any such transaction.

This subsection shall apply to transactions with respect to real property completed before the commencement of this Act in any case where there has not been any intervention by the trustee before that date.

For the purposes of this subsection, the receipt of any money, security, or negotiable instrument from, or by the order or direction of, a bankrupt by his banker, and any payment and any delivery of any security or negotiable instrument made to, or by the order or direction of, a bankrupt by his banker, shall be deemed to be a transaction by the bankrupt with such banker dealing with him for value.

(2) Where a banker has ascertained that a person having an account with him is an undischarged bankrupt, then, unless the banker is satisfied that the account is on behalf of some other person, it shall be his duty forthwith to inform the trustee in bankruptcy or the Board of Trade of the existence of the account, and thereafter he shall not make any payments out of the account except under an order of the court or in accordance with instructions from the trustee in bankruptcy, unless by the expiration of one month from the date of giving the information no instructions have been received from the trustee.

(3) In the event of a second or subsequent receiving order being made against a bankrupt, any property acquired by him since he was last adjudged bankrupt which at the date when the subsequent petition was presented had not been distributed amongst the creditors in such last preceding bankruptcy, shall (subject to any disposition thereof made by the official receiver or trustee in that bankruptcy, without knowledge of the presentation of the subsequent petition and subject to the provisions of subsection (1) of this section) vest in the trustee in the subsequent bankruptcy, but any unsatisfied balance of the debts provable under the last preceding bankruptcy may be proved in the subsequent bankruptcy by the trustee in the last preceding bankruptcy.

(4) Where the trustee in any bankruptcy receives notice of a subsequent petition in bankruptcy against the bankrupt, he shall hold any property then in his possession which has been

acquired by the bankrupt since he was adjudged bankrupt until the subsequent petition has been disposed of, and, if on the subsequent petition an order of adjudication is made, he shall transfer all such property or the proceeds thereof (after deducting his costs and expenses) to the trustee in the subsequent bankruptcy.

Married women.

12.—(1) Every married woman who carries on a trade or business, whether separately from her husband or not, shall be subject to the bankruptcy laws as if she were a feme sole.

(2) Where a married woman carries on a trade or business and a final judgment or order has been obtained against her, whether or not expressed to be payable out of her separate property, for any amount, that judgment or order shall be available for bankruptcy proceedings against her by a bankruptcy notice as though she were personally bound to pay the judgment debt or sum ordered to be paid.

(3) Where a married woman who has been adjudged bankrupt has separate property the income of which is subject to a restraint on anticipation, the court shall have power, on the application of the trustee, to order that during such time as the court may order the whole or some part of such income be paid to the trustee for distribution among the creditors, and in the exercise of such power the court shall have regard to the means of subsistence available for such woman and her children.

(4) Where a married woman has been adjudged bankrupt, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied.

Amendment of s. 47 of principal Act as to the avoidance of settlements.

13. The following subsections shall be substituted for subsection (2) of section forty-seven of the Bankruptcy Act, 1883, which relates to the avoidance of settlements :—

"(2) Any covenant or contract made by any person (hereinafter called the settlor) in consideration of his or her marriage, either for the future payment of money for the benefit of the settlor's wife or husband, or children, or for the future settlement on or for the settlor's wife or husband or children of property, wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, shall, if the settlor is adjudged bankrupt and the covenant or contract has not been executed at the date of the commencement of his bankruptcy, be void against the trustee in bankruptcy, except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors for

valuable consideration in money or money's worth have been satisfied.

"(2A) Any payment of money (not being payment of premiums on a policy of life assurance) or any transfer of property made by the settlor in pursuance of such a covenant or contract as aforesaid shall be void against the trustee in the settlor's bankruptcy, unless the persons to whom the payment or transfer was made, prove, either—

"(*a*) that the payment or transfer was made more than two years before the date of the commencement of the bankruptcy; or

"(*b*) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or

"(*c*) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor:

but, in the event of any such payment or transfer being declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the commencement of the bankruptcy."

Avoidance of general assignments of book debts unless registered.

14.—(1) Where a person engaged in any trade or business makes an assignment to any other person of his existing or future book debts or any class thereof, and is subsequently adjudicated bankrupt, the assignment shall be void against the trustee as regards any book debts which have not been paid at the commencement of the bankruptcy unless the assignment has been registered as if the assignment were a bill of sale given otherwise than by way of security for the payment of a sum of money, and the provisions of the Bills of Sale Act, 1878, with respect to the registration of bills of sale shall apply accordingly, subject to such necessary modifications as may be made by rules under that Act:

41 & 42 Vict. c. 31.

Provided that nothing in this section shall have effect so as to render void any assignment of book debts due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made bonâ fide and for value, or in any assignment of assets for the benefit of creditors generally.

(2) For the purposes of this section, "assignments" include assignments by way of security and other charges on book debts.

Protection of sheriff, &c. selling goods under execution without notice of claim by third party.

15. Where any goods in the possession of an execution debtor at the time of seizure by a sheriff, high bailiff, or other officer charged with the enforcement of a writ, warrant, or other process of execution, are sold by such sheriff, high bailiff, or other officer, without any claim having been made to the same, the purchaser of the goods so sold shall acquire a good title to the goods so sold, and no person shall be entitled to recover against the sheriff, high bailiff, or other officer, or anyone lawfully acting under the authority of either of them, except as provided by the Bankruptcy Acts, 1883 and 1890, for any sale of such goods or for paying over the proceeds thereof, prior to the receipt of a claim to the said goods unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained that the goods were not the property of the execution debtor: Provided that nothing in this section contained shall affect the right of any claimant who may prove that at the time of sale he had a title to any goods so seized and sold to any remedy to which he may be entitled against any person other than such sheriff, high bailiff, or other officer as aforesaid.

Amendment of s. 4 (1) (*g*) of principal Act as to acts of bankruptcy.

16.—(1) Section four of the principal Act (which relates to acts of bankruptcy) shall have effect as though in paragraph (*g*) of subsection (1) thereof (which makes it an act of bankruptcy to fail to pay a judgment debt after bankruptcy notice where bankruptcy notice has been served) and in section one of the Bankruptcy Act, 1890, references to final orders and to sums ordered to be paid were included in the references to final judgments and judgment debts respectively wherever the same occur, and a reference to the proceedings in which the order was obtained was included in the reference to the action in which the judgment was obtained.

(2) Notwithstanding anything in the said paragraph (*g*):—

(i) a bankruptcy notice may specify an agent to act on behalf of the creditor in respect of any payment or other thing required by the notice to be made to, or done to the satisfaction of, the creditor;

(ii) a bankruptcy notice shall not be invalidated by reason only that the sum specified in the notice as the amount due exceeds the amount actually due, unless the debtor within the time allowed for payment gives notice to the creditor that he disputes the validity of the notice on the ground of such misstatement, but, if the debtor does not give such notice, he shall be deemed to have complied with the bankruptcy notice if within the time allowed he takes such steps as would have constituted a compliance with the notice had the actual amount due been correctly specified therein.

Amendment of s. 22 of principal Act as to committee of inspection.

17. The power under section twenty-two of the principal Act to appoint at a meeting of creditors as members of a committee of inspection the holders of general proxies or general powers of attorney from the creditors shall be deemed to include the power to appoint a person subject to his subsequently becoming the holder of such a general proxy or general power of attorney: Provided that a person appointed a member of a committee of inspection under this provision shall not be qualified to act until he holds such a proxy or power of attorney.

Landlord's power of distress in case of bankruptcy.

18.—(1) Where in exercise of the power conferred by section forty-two of the principal Act the landlord or other person to whom any rent is due from a bankrupt distrains upon the goods or effects of the bankrupt for rent due from the bankrupt, such distress for rent, if levied after the commencement of the bankruptcy, shall not be available for rent payable in respect of any period subsequent to the date when the distress was levied, and accordingly in subsection (1) of that section, after the words "order of adjudication" there shall be inserted the words "and "shall not be available for rent payable in respect of any "period subsequent to the date when the distress was levied."

(2) Where any goods of a debtor have been taken in execution, the limit on the amount of rent which the party at whose suit the execution is sued out is liable to pay to the landlord under section one of the Landlord and Tenant Act, 1709, or which the landlord is entitled to be paid under section one hundred and sixty of the County Courts Act, 1888, shall, unless notice of claim for rent due has been served on the sheriff or bailiff or other officer levying the execution by or on behalf of the landlord before the commencement of the debtor's bankruptcy, be six months' rent, instead of one year's rent, and the rights of the landlord under the said provisions shall not extend to any claim for rent payable in respect of any period subsequent to the date of such notice unless such notice was served as aforesaid before the commencement of the debtor's bankruptcy.

8 Anne c. 18.

51 & 52 Vict. c. 43.

(3) Nothing in the last preceding subsection shall be construed as imposing any liability on the sheriff, bailiff, or other officer levying the execution, or on the person at whose suit the execution was sued out, to account for any sum actually paid to the landlord by him before notice was served on him that a receiving order had been made against the debtor, but the landlord shall be liable to pay to the trustee in the bankruptcy any sum he may have received from such sheriff, bailiff, officer, or person as aforesaid in excess of the amount which he was entitled to be paid, without prejudice, however, to the right of the landlord to prove for the amount of such excess.

Removal of trustee.

19.—(1) If the Board of Trade are of opinion that any trusteeship in bankruptcy is being needlessly protracted without

any probable advantage to the creditors, the Board may remove the trustee from his office, but, if the creditors by ordinary resolution disapprove of his removal, he or they may appeal against it to the High Court.

(2) Where on the release, removal, resignation, or death of a trustee in bankruptcy an official receiver is acting as trustee, he may disclaim any onerous property of the bankrupt which might be disclaimed by a trustee under section fifty-five of the principal Act, notwithstanding that the time prescribed by that section for such disclaimer has expired, but such power of disclaimer shall be exerciseable only within twelve months after the official receiver has become trustee in the circumstances aforesaid or has become aware of the existence of such onerous property, whichever period may last expire.

Power to order payment into local banks in certain cases.

20. In any bankruptcy composition or scheme of arrangement in which the Official Receiver is acting as trustee or in which a trustee is acting without a committee of inspection, the Board of Trade may, if for special reasons they think fit to do so, and notwithstanding anything in section seventy-four of the principal Act, upon the application of the Official Receiver or other trustee authorise the trustee to make his payments into and out of such local bank as the Board may direct.

Such account shall be opened and kept by the trustee in the name of the debtor's estate, and any interest receivable in respect of the account shall be part of the assets of the estate.

The trustee shall make his payments into and out of such local bank in the prescribed manner.

Provisions as to estates of persons dying insolvent.

21.—(1) The following provisions, namely—

Section twenty-seven of the principal Act (which relates to the discovery of a debtor's property);

Section seventy-three of the principal Act (which relates to the costs of trustees, managers, and other persons);

Section one hundred and twenty-one of the principal Act (which relates to the summary administration of small estates); and

50 & 51 Vict. c. 66.

Subsection (2) of section six of the Bankruptcy (Discharge and Closure) Act, 1887 (which relates to the duties and liabilities of an official receiver or official assignee who has been released);

shall, so far as the same are applicable, apply in the case of the administration in bankruptcy of the estate of a person dying insolvent in like manner as in the case of the administration of the estate of a person adjudged bankrupt, and section one hundred and twenty-five of the principal Act (which relates to the administration in bankruptcy of the estates of persons dying insolvent) shall have effect accordingly as though the above-mentioned provisions were included amongst the provisions of the principal Act applied in such a case by subsection (6) of

that section, but subject to any modifications that may be made therein by general rules under subsection (11) of that section for adapting them to such case as aforesaid.

(2) If no committee of inspection is appointed under subsection (3) of section twenty-one of the Bankruptcy Act, 1890, in the case of a person dying insolvent, any act or thing or any direction or permission which might have been done or given by a committee of inspection may be done or given by the Board of Trade.

(3) A petition for the administration of the estate of a deceased debtor under section one hundred and twenty-five of the principal Act may be presented by the legal personal representative of the debtor; and, where a petition is so presented by such a representative, that section shall apply subject to such modifications as may be prescribed by general rules made under subsection (11) of that section.

Amendment of s. 23 of the Act of 1890 as to interest on debt.

22. In dealing with any proof of a debt to which section twenty-three of the Bankruptcy Act, 1890 (which relates to interest on debts) applies, the following rules shall be observed: —

(*a*) Any account settled between the debtor and the creditor within three years preceding the date of the receiving order may be examined, and, if it appears that the settlement of the account forms substantially one transaction with any debt alleged to be due out of the debtor's estate (whether in the form of renewal of a loan or capitalisation of interest or ascertainment of loans or otherwise), the account may be re-opened and the whole transaction treated as one;

(*b*) Any payments made by the debtor to the creditor before the receiving order, whether by way of bonus or otherwise, and any sums received by the creditor before the receiving order from the realisation of any security for the debt shall, notwithstanding any agreement to the contrary, be appropriated to principal and interest in the proportion that the principal bears to the sum payable as interest at the agreed rate;

(*c*) Where the debt due is secured and the security is realised after the receiving order, or the value thereof is assessed in the proof, the amount realised or assessed shall be appropriated to the satisfaction of principal and interest in the proportion that the principal bears to the sum payable as interest at the agreed rate.

Protection of official receivers and trustees from personal

23. Where the Official Receiver or trustee has seized or disposed of any goods, chattels, property, or other effects in the possession or on the premises of a debtor against whom a receiving order has been made, without notice of any claim by

Liability in certain cases.

any person in respect of the same, and it is thereafter made to appear that the said goods, chattels, property, or other effects were not, at the date of the receiving order, the property of the debtor, the Official Receiver or trustee shall not be personally liable for any loss or damage arising from such seizure or disposal sustained by any person claiming such property, nor for the costs of any proceedings taken to establish a claim thereto, unless the court is of opinion that the Official Receiver or trustee has been guilty of negligence in respect of the same.

Application of bankruptcy law to limited partnerships.

24.—(1) The enactments relating to bankruptcy shall, subject to such modifications as may be made by general rules under the principal Act, apply to limited partnerships in like manner as if limited partnerships were ordinary partnerships, and, on all the general partners of a limited partnership being adjudged bankrupt, the assets of the limited partnership shall vest in the trustee.

8 Edw. 7. c. 69.

(2) Such of the provisions of the Companies (Consolidation) Act, 1908, as relate to the winding up of limited partnerships shall be repealed as respects England.

Provisions as to copyright.

25. Where the property of a bankrupt comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee in the bankruptcy shall not be entitled to sell, or authorise the sale of, any copies of the work, or to perform or authorise the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt, nor shall he, without the consent of the author or of the court, be entitled to assign the right or transfer the interest or to grant any interest in the right by licence except upon terms which will secure to the author payments by way of royalty or share of profits at a rate not less than that which the bankrupt was liable to pay.

Right of trustee to inspect goods pawned, &c.

26. Where any goods of a debtor against whom a receiving order has been made are held by any person by way of pledge, pawn, or other security, it shall be lawful for the official receiver or trustee of the debtor's estate, after giving notice in writing of his intention to do so, to inspect the goods, and, where such notice has been given, such person as aforesaid shall not be entitled to realise his security until he has given the trustee a reasonable opportunity of inspecting the goods and of exercising his right of redemption if he thinks fit to do so.

Minor amendments of Bankruptcy Acts.

27. The amendment specified in the second column of the Second Schedule to this Act (which relate to minor details) shall be made in the provisions of the Bankruptcy Acts, 1883 and 1890, specified in the first column of that Schedule.

Part II.

Deeds of Arrangement.

Avoidance of deeds of arrangement unless assented to by a majority of the creditors.

28.—(1) A deed of arrangement shall be void unless, before or within twenty-one days after the registration thereof, or within such extended time as the High Court or the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed may allow, it has received the assent of a majority in number and value of the creditors of the debtor.

(2) The list of creditors annexed to the affidavit of the debtor filed on the registration of the deed of arrangement shall be primâ facie evidence of the names of the creditors and the amounts of their claims.

(3) The assent of a creditor for the purposes of subsection (1) of this section shall be established by his executing the deed of arrangement or sending to the trustee his assent in writing attested by a witness, but not otherwise.

(4) The trustee shall file with the Registrar of Bills of Sale at the time of the registration of a deed of arrangement, or, in the case of a deed of arrangement assented to after registration, within twenty-eight days after registration or within such extended time as the High Court or the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed may allow, a statutory declaration by the trustee that the requisite majority of the creditors of the debtor have assented to the deed of arrangement, which declaration shall, in favour of a purchaser for value, be conclusive evidence, and in other cases be primâ facie evidence, of the fact declared.

(5) In calculating a majority of creditors for the purposes of this and the next following section, a creditor holding security upon the property of the debtor shall be reckoned as a creditor only in respect of the balance (if any) due to him after deducting the value of such security, and creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value but not in the majority in number.

Security by trustee of deed of arrangement.

29.—(1) The trustee under a deed of arrangement shall, within seven days from the date on which the statutory declaration certifying the assent of the creditors is filed, give security in the prescribed manner to the Registrar of the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, to the senior bankruptcy registrar of the High Court, in a sum equal to the estimated assets available for distribution

amongst the unsecured creditors as shown by the affidavit filed on registration, to administer the deed properly and account fully for the assets which come to his hands, unless a majority in number and value of the assigning debtor's creditors, either by resolution passed at a meeting convened by notice to all the creditors, or by writing addressed to the trustee, dispense with his giving such security:

Provided that, when such a dispensation has been so given, the trustee shall forthwith make and file with the Registrar of Bills of Sale a statutory declaration to that effect, which declaration shall, in favour of a purchaser for value, be conclusive evidence, and in other cases be primâ facie evidence of the facts declared.

(2) If a trustee under a deed of arrangement fails to comply with the requirements of this section, the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, the High Court, on the application of any creditor and after hearing such persons as it may think fit, may declare the deed of arrangement to be void or may make an order appointing another trustee in the place of the trustee appointed by the deed of arrangement.

(3) A certificate that the security required by this section has been given by a trustee, signed by the Registrar to whom it was given and filed with the Registrar of Bills of Sale, shall be conclusive evidence of the fact.

(4) All moneys received by a trustee under a deed of arrangement shall be banked by him to an account to be opened in the name of the debtor's estate.

Penalty on trustee acting when deed of arrangement void. 50 & 51 Vict. c. 57.

30.—If a trustee acts under a deed of arrangement—

(*a*) after it has to his knowledge become void by reason of non-compliance with any of the requirements of the Deeds of Arrangement Act, 1887, or this Act; or

(*b*) after he has failed to give security within the time and in the manner provided for by this Act;

he shall be liable on summary conviction to a fine not exceeding five pounds for every day between the date on which the deed became void or the expiration of the time within which security should have been given, as the case may be, and the last day on which he is proved to have acted as trustee, unless he satisfies the court before which he is accused that his contravention of the law was due to inadvertence, or that his action has been confined to taking such steps as were necessary for the protection of the estate.

Effect of notice to creditors of deed of arrangement.

31.—(1) If the trustee under a deed of arrangement serves in the prescribed manner on any creditor of the debtor notice in writing of the execution of the deed and of the filing of the certificate of creditors' assents, with an intimation that the

creditor will not, after the expiration of one month from the service of the notice, be entitled to present a bankruptcy petition against the debtor founded on the execution of the deed, or on any other act committed by him in the course or for the purpose of the proceedings preliminary to the execution of the deed, as an act of bankruptcy, that creditor shall not, after the expiration of that period (unless the deed becomes void), be entitled to present a bankruptcy petition against the debtor founded on the execution of the deed, or on any act so committed by him, as an act of bankruptcy.

(2) Where a deed of arrangement has become void by virtue of the Deeds of Arrangement Act, 1887, or this Act, the fact that a creditor has assented to the deed shall not disentitle him to present a bankruptcy petition founded on the execution of the deed of arrangement as an act of bankruptcy.

Audit and accounts

32.—(1) Where in the course of the administration of the estate of a debtor who has executed a deed of arrangement, or within twelve months from the date when the final accounts of the estate were rendered, an application in writing is made to the Board of Trade by a majority in number and value of the creditors who have assented to the deed for an official audit of the trustee's accounts, the Board may cause the trustee's accounts to be audited, and in such case all the provisions of the Bankruptcy Act, 1883, relating to the institution and enforcement of an audit of the accounts of a trustee in bankruptcy (including the provisions as to fees) shall, with necessary modifications, apply to the audit of the trustee's accounts, and the Board shall have power on the audit to require production of a certificate for the taxed costs of any solicitor whose costs have been paid or charged by the trustee, and to disallow the whole or any part of any costs in respect of which no certificate is produced.

The Board of Trade may determine how and by what parties the costs, charges, and expenses of and incidental to the audit (including any prescribed fees chargeable in respect thereof) are to be borne, whether by the applicants or by the trustee or out of the estate, and may, before granting an application for an audit, require the applicants to give security for the costs of the audit.

(2) Every trustee under a deed of arrangement shall, at the expiration of six months from the date of the registration of the deed, and thereafter at the expiration of every subsequent period of six months until the estate has been finally wound up, send to each creditor who has assented to the deed a statement in the prescribed form of the trustee's accounts and of the proceedings under the deed down to the date of the statement, and shall, in his affidavit verifying his accounts transmitted to the Board of Trade, state whether or not he has duly sent such statements, and the dates on which the statements were sent; and, if a trustee fails to comply with any of the provisions of this subsection, the High Court may, for the purpose of enforcing

those provisions, exercise on the application of the Board of Trade all the powers conferred on the Court by subsection (5) of section one hundred and two of the Bankruptcy Act, 1883, in cases of bankruptcy.

(3) At any time after the expiration of two years from the date of the registration of a deed of arrangement, the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, the High Court, may, on the application of the trustee or a creditor, or on the application of the debtor, order that all moneys representing unclaimed dividends and undistributed funds then in the hands of the trustee or under his control be paid into court.

Penalty on trustees under deeds of arrangement for failure to transmit accounts.

33. If a trustee under a deed of arrangement fails to transmit the accounts of his receipts and payments as such trustee, in accordance with the requirements of paragraph (*b*) of subsection (2) of section twenty-five of the Bankruptcy Act, 1890, as amended by this Act, he shall on summary conviction be liable to a fine not exceeding five pounds for each day during which the default continues, without prejudice, however, to the exercise by a judge of the High Court of the powers conferred by that paragraph for the purpose of enforcing the provisions thereof.

Preferential payment to creditor an offence.

34. If a trustee under a deed of arrangement pays to any creditor out of the debtor's property a sum larger in proportion to the creditor's claim than that paid to other creditors entitled to the benefit of the deed, then, unless the deed authorises him to do so, or unless such payments are either made to a creditor entitled to enforce his claim by distress or are such as would be lawful in a bankruptcy, he shall be guilty of a misdemeanour.

Courts in which applications for enforcement of trusts to be made.

35. Any application by the trustee under a deed of arrangement, or by the debtor, or by any creditor entitled to the benefit of a deed of arrangement, for the enforcement of the trusts or the determination of questions under it, shall be made to the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the registration of the deed, or, if he then resided or carried on business in the London bankruptcy district, to the High Court:

Provided that any question as to whether any person claiming to be a creditor entitled to the benefit of a deed of arrangement is so entitled, may, subject to rules made under the Deeds of Arrangement Act, 1887, be decided either by the court having such jurisdiction as aforesaid or by the High Court.

Power to bankruptcy courts to appoint new

36. The power to appoint a new trustee or new trustees under section twenty-five of the Trustee Act, 1893, may, in the case of a deed of arrangement, be exercised either by the High

Court or by the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business, and the provisions of that section shall apply accordingly.

trustee of deed of arrangement. 56 & 57 Vict. c. 53.

37.—(1) The Deeds of Arrangement Act, 1887, shall extend to any instrument of the classes mentioned in section four of that Act, made after the commencement of this Act by, for, or in respect of, the affairs of a debtor who was insolvent at the date of the execution of the instrument for the benefit of any three or more creditors, in like manner as if such instrument had been made by, for, or in respect of the affairs of the debtor for the benefit of his creditors generally, but no such instrument (unless it is in fact for the benefit of creditors generally) shall be deemed to be a deed of arrangement within the meaning of the foregoing provisions of this Part of this Act, except such of those provisions as impose penalties on trustees for failure to transmit accounts.

Extension of Act of 1887 instruments for benefit of three or more creditors.

(2) For the purposes of this section, any two or more joint creditors shall be treated as a single creditor.

38. Where a deed of arrangement is void by reason that the requisite majority of creditors have not assented thereto, or, in the case of a deed for the benefit of three or more creditors, by reason that the debtor was insolvent at the time of the execution of the deed and that the deed was not registered as required by this Act, but is not void for any other reason, and a receiving order is made against the debtor upon a petition presented after the lapse of three months from the execution of the deed, the trustee under the deed shall not be liable to account to the trustee in the bankruptcy for any dealings with or payments made out of the debtor's property which would have been proper if the deed had been valid, if he proves that at the time of such dealings or payments he did not know, and had no reason to suspect, that the deed was void.

Provisions for the protection of trustees under void deeds.

39. When a deed of arrangement is void by reason of this Act, the trustee shall, as soon as practicable after he has become aware that the deed is void, give notice in writing thereof to each creditor whose name and address he knows, and file a copy of the notice with the Registrar of Bills of Sale, and, if he fails to do so, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

Notice to creditors of avoidance of deed.

40. Where a deed of arrangement is avoided by reason of the bankruptcy of the debtor, any expenses properly incurred by the trustee under the deed in the performance of any of the duties imposed on him by this Part of this Act shall be allowed or paid him by the trustee in the bankruptcy as a first charge on the estate.

Payment of expenses incurred by trustees.

PART III.

GENERAL.

Application of Act when receiving order made under 46 & 47 Vict. c. 52. s. 103 (5).

41. When a receiving order is made against the debtor under subsection (5) of section one hundred and three of the principal Act, this Act shall apply as if for references to the presentation of a petition by or against a person there were substituted references to the making of such a receiving order.

Short title, commencement, and interpretation.

42.—(1) This Act may be cited as the Bankruptcy and Deeds of Arrangement Act, 1913, and Part I. of this Act shall be construed with the Bankruptcy Acts, 1883 and 1890, and may be cited with those Acts as the Bankruptcy Acts, 1883 to 1913, and Part II. of this Act shall be construed with the Deeds of Arrangement Act, 1887, and may be cited with that Act and the Deeds of Arrangement Amendment Act, 1890, as the Deeds of Arrangement Acts, 1887 to 1913:

53 & 54 Vict. c. 24.

Provided that, notwithstanding that Part II. of this Act is to be construed with the Deeds of Arrangement Act, 1887, no part of this Act shall extend to Ireland.

(2) This Act shall come into operation on the first day of April nineteen hundred and fourteen.

(3) In this Act, unless the context otherwise requires, the expression "the Debtors Act, 1869," means that Act as amended by the Bankruptcy Acts, 1883 and 1890, or any other enactment, including this Act.

Section 2.

SCHEDULES.

FIRST SCHEDULE.

SECTION ELEVEN OF THE DEBTORS ACT, 1869, AS AMENDED BY SUBSEQUENT ENACTMENTS, INCLUDING SECTION TWO OF THIS ACT.

Punishment of fraudulent debtors.

Any person adjudged bankrupt or in respect of whose estate a receiving order has been made shall, in each of the cases following, be deemed guilty of misdemeanour, and on conviction thereof shall be liable to imprisonment for any term not exceeding two years with or without hard labour; (that is to say)—

(1) If he does not to the best of his knowledge and belief fully and truly discover to the trustee all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud:

(2) If he does not deliver up to the trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud:

(3) If he does not deliver up to the trustee, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless he proves that he had no intent to defraud:

(4) If, after the presentation of a bankruptcy petition by or against him, or within six months next before such presentation, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him, unless he proves that he had no intent to defraud :

(5) If, after the presentation of a bankruptcy petition by or against him, or within six months next before such presentation, he fraudulently removes any part of his property to the value of ten pounds or upwards :

(6) If he makes any material omission in any statement relating to his affairs, unless he proves that he had no intent to defraud :

(7) If, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform the trustee thereof :

(8) If, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law :

(9) If, after the presentation of a bankruptcy petition by or against him, or within six months next before such presentation, he conceals, destroys, mutilates, or falsifies or is privy to th concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law :

(10) If, after the presentation of a bankruptcy petition by or against him, or within six months next before such presentation, he makes, or is privy to the making of, any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law :

(11) If, after the presentation of a bankruptcy petition by or against him, or within six months next before such presentation, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs :

(12) If, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within six months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses :

(13) If, within six months next before the presentation of a bankruptcy petition by or against him, or in the case of a receiving order made under section one hundred and three of the Bankruptcy Act, 1883, before the date of the order, or after the presentation of a bankruptcy petition and before the making of a receiving order, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same :

(14) If, within six months next before the presentation of a bankruptcy petition by or against him, or in the case of a receiving order made under section one hundred and three of the Bankruptcy Act, 1883, before the date of the order, or after the presentation of a bankruptcy petition and before the making of a receiving order, he obtains under the false pretence of carrying on business, and, if a trader, of dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless he proves that he had no intent to defraud :

(15) If, within six months next before the presentation of a bankruptcy petition by or against him, or in the case of a receiving order made under section one hundred and three of the Bankruptcy Act, 1883, before the date of the order, or after the presentation of a bankruptcy petition and before the making of a receiving order, he pawns, pledges, or disposes of any property which he has obtained on credit and has not paid for, unless, in the case of a trader, such pawning, pledging, or disposing is in the ordinary way of his trade, and unless in any case he proves that he had no intent to defraud :

(16) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to an agreement with reference to his affairs or to his bankruptcy.

For the purpose of this section, the expression "trustee" means the official receiver of the debtor's estate or trustee administering his estate for the benefit of his creditors.

Section 27.

SECOND SCHEDULE.

MINOR AMENDMENTS OF BANKRUPTCY ACTS.

Enactment to be amended.	Nature of Amendment.
The Bankruptcy Act, 1883 (46 & 47 Vict. c. 52).	
Section 20 (1) - -	The words "accepted or" shall be repealed.
Section 48 - - -	After the words "with a view of giving such creditor" there shall be inserted the words "or any surety or guarantor for the debt "due to such creditor."
Section 51 - - -	The words "or a debtor against whom a receiving order has been made" shall be inserted after the words "a bankrupt," and the words "or the debtor" shall be inserted after the words "the bankrupt," wherever those words occur.
Section 59 (2) - -	The words "unless otherwise directed by the Board of Trade" shall be substituted for the words "subject to any order to the "contrary that may be made by the "court."
Section 164 - -	The word "debtor's" shall be substituted for the word "bankrupt's."
First Schedule, paragraph 2.	The words "six clear days" shall be substituted for the words "seven days."
The Bankruptcy Act, 1890 (53 & 54 Vict. c. 71).	
Section 1 - - -	The words "the proceedings on such summons are finally disposed of, settled, or "abandoned" shall be substituted for the words "the sheriff is ordered to withdraw, "or any interpleader issue thereon is "finally disposed of."

Enactment to be amended.	Nature of Amendment.
The Bankruptcy Act, 1890 (53 & 54 Vict. c. 71)—*cont.*	
Section 8 (1) - -	The words "except when the court in accordance with rules under the principal Act otherwise directs" shall be inserted after the words "the application shall" where those words last occur.
Section 25 (2) (*b*) - -	The words "at such times as may be prescribed" shall be substituted for the words "within thirty days of the first day of January in each year."
Section 25 (3) - -	The words "the debtor or any creditor or other person interested" shall be substituted for the words "any creditor," and the following words shall be added at the end of the subsection: "and copies of or extracts from the accounts shall, on payment of the prescribed fee, be furnished to the debtor, the creditors, or any other persons interested."

CHAPTER 35.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and twelve and one thousand nine hundred and fourteen, and to appropriate the Supplies granted in this Session of Parliament. [15th August 1913.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants out of Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the

Issue of 46*l.* 6*s.* 4*d.* out of the Consolidated Fund.

service of the year ending on the thirty-first day of March one thousand nine hundred and twelve the sum of four hundred and sixty-one pounds six shillings and fourpence.

Issue of 93,739,843*l.* out of the Consolidated Fund.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and fourteen the sum of ninety-three million seven hundred and thirty-nine thousand eight hundred and forty-three pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole ninety-three million seven hundred and forty thousand three hundred and four pounds six shillings and fourpence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March one thousand nine hundred and fourteen and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

4. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of one hundred and fifty-nine million ten thousand three hundred and fifty-four pounds six shillings and fourpence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A.), for the services and purposes expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for

54 & 55 Vict. c. 24.

the services and purposes specified in Schedule (B.) annexed hereto, the sums respectively set forth in the last column of the said schedule.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

5.—(1) So long as the aggregate expenditure on naval and military services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and military services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy and army expenditure for 1911–1912 unprovided for. 1 & 2 Geo. 5. c. 15.

6. Whereas under the powers given for the purpose by the Appropriation Act, 1911, surpluses arising on certain votes for the naval and military services respectively have been temporarily applied as shown in the accounts set out in Schedule (C.) to this Act:

It is enacted that the application of those surpluses as shown in the said accounts is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

7. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title.

8. This Act may be cited for all purposes as the Appropriation Act, 1913.

ABSTRACT

OF

Section 4. SCHEDULES (A.) and (B.) to which this Act refers

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - -	159,010,354	6	4

Section 4. SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1911–1912.	£	s.	d.	£	s.	d.
Part 1. Civil Services Excesses, 1911–1912 - -	461	6	4	1,648	11	6
1913–1914.						
„ 2. Navy - - - -	46,309,300	0	0	2,023,894	0	0
„ 3. Army - - - -	28,220,000	0	0	3,612,828	0	0
„ 3. Army (Ordnance Factories) - - -	15,000	0	0	3,135,000	0	0
£	74,544,300	0	0	8,771,722	0	0
„ 4. Civil Services, Class I. -	3,617,262	0	0	124,531	0	0
„ 5. Ditto, Class II. -	4,448,489	0	0	984,121	0	0
„ 6. Ditto, Class III. -	4,642,346	0	0	865,998	0	0
„ 7. Ditto, Class IV. -	19,800,180	0	0	30,164	0	0
„ 8. Ditto, Class V. -	1,514,349	0	0	131,697	0	0
„ 9. Ditto, Class VI. -	808,191	0	0	—		
„ 10. Ditto, Class VII. -	389,783	0	0	8,300	0	0
„ 11. Ditto, Class VIII. -	20,346,273	0	0	247,500	0	0
TOTAL CIVIL SERVICES - £	55,566,873	0	0	2,392,311	0	0
„ 12. Revenue Departments, &c. £	28,898,720	0	0	761,875	0	0
GRAND TOTAL - - £	159,010,354	6	4	11,927,556	11	6

SCHEDULE (A.)

SCHED. (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st day of March 1912 :—			
Under this Act - - - - -	461	6	4
For the service of the year ended on the 31st day of March 1914 :—			
Under Act 3 Geo. 5. c. 1 - - - -	41,027,000	0	0
Under Act 3 & 4 Geo. 5. c. 5 - - -	24,243,050	0	0
Under this Act - - - - - -	93,739,843	0	0
TOTAL - - - -	159,010,354	6	4

SCHEDULE (B.)—PART 1.

SCHED. (B.) PART I. Civil Services Excesses, 1911–1912.

CIVIL SERVICES EXCESSES, 1911–1912.

SUM granted to make good Excesses on certain Grants for Civil Services for the year ended on the 31st day of March 1912, viz. :—

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
CLASS II.	£	s.	d.	£	s.	d.
Mercantile Marine Services - -	10	0	0	1,591	17	9
CLASS III.						
Supreme Court of Judicature -	451	6	4	56	13	9
TOTAL - - - £	461	6	4	1,648	11	6

SCHED. (B.) PART 2. Navy.

SCHEDULE (B.)—PART 2.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For wages, &c., to 146,000 officers, seamen, and boys, coastguard, and royal marines -	8,399,200	138,000
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	2,930,000	799,028
3.	For medical services, including the cost of medical establishments at home and abroad	272,200	18,610
4.	For martial law - - - -	3,400	60
5.	For educational services - - -	159,700	68,325
6.	For scientific services - - -	66,200	31,070
7.	For the royal naval reserve, the royal fleet reserve, and the royal naval volunteers, &c.	476,000	4,201
8.	Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - -	4,063,100	26,400
„	Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -	5,851,600	610,400
„	Sect. 3. For contract work for shipbuilding, repairs, &c. - - - - -	12,226,300	107,490
9.	For naval armaments - - - -	4,396,000	125,600
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	3,448,000	33,500
11.	For various miscellaneous effective services -	590,700	9,345
12.	For the Admiralty Office - - -	450,000	9,062
13.	For half-pay, and retired pay -	1,005,800	16,294
14.	For naval and marine pensions, gratuities, and compassionate allowances - -	1,562,100	26,086
15.	For civil superannuation, compensation allowances, and gratuities - - - -	409,000	423
	TOTAL NAVY SERVICES - - £	46,309,300	2,023,894

SCHEDULE (B.)—Part 3.

Sched. (B.) Part 3. Army.

ARMY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c., of His Majesty's Army (including Army Reserve to a number not exceeding 145,000) at home and abroad (exclusive of India)	8,623,000	1,440,000
2.	For the pay, &c., of the medical establishments and for medicines, &c.	440,000	1,400
3.	For the pay, bounty, &c., of the Special Reserve (to a number not exceeding 79,414, including 700 militia and militia reserve) and of the Officers' Training Corps	715,000	7,500
4.	For grants, pay, allowances, training, and miscellaneous charges of the Territorial Force (not exceeding 318,897 men), and Channel Islands and Colonial Militia, including the expense of permanent staff	2,815,000	4,700
5.	For establishments for military education	146,000	106,350
6.	For quartering, transport, and remounts	1,694,000	63,500
7.	For supplies and clothing	4,507,000	190,500
8.	For the Ordnance Department establishments and for general stores	720,000	212,000
9.	For armaments, aviation and engineer stores, including technical committees	1,677,000	350,000
10.	For works, buildings, and repairs, lands, and miscellaneous engineer services, including staff in connection therewith	2,435,000	191,803
11.	For miscellaneous effective services	66,000	920
12.	For the War Office	443,000	550
13.	For rewards; half-pay; retired pay; widows' pensions; and other non-effective charges for officers	1,849,000	515,000
14.	For Chelsea and Kilmainham hospitals; for out pensions; for rewards for distinguished services; for widows' pensions; and for other non-effective charges for warrant officers, non-commissioned officers, and men, &c.	1,950,000	528,500
15.	For civil superannuation, compensation, and additional allowances, gratuities, injury grants, &c.	140,000	105
	Total Army Services £	28,220,000	3,612,828

SCHED. (B.) PART 3. Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
ARMY (ORDNANCE FACTORIES).	£	£
For the ordnance factories, the cost of productions of which is charged to the army, navy, and Indian and Colonial Governments, &c. - -	15,000	3,135,000
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - -	£ 28,235,000	6,747,828

SCHED. (B.) PART 4. Civil Services. Class I.

SCHEDULE (B.)—PART 4.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of royal palaces, including a grant in aid - - -	66,700	833
2. For expenditure in respect of Osborne - -	10,900	2,485
3. For the royal parks and pleasure gardens - -	123,900	13,360
4. For expenditure in respect of the Houses of Parliament buildings - - -	52,700	375
5. For expenditure in respect of miscellaneous legal buildings, Great Britain - - -	66,750	868
6. For expenditure in respect of Art and Science buildings, Great Britain - - -	105,630	2,042
7. For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad - - - -	94,600	1,135
8. For the Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad -	648,000	5,735
9. For Labour Exchange and Insurance buildings, Great Britain - - - - -	223,200	805
10. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes (including a supplementary sum of 8,000*l.*) - - - -	774,570	11,903
11. For the survey of the United Kingdom, and for minor services connected therewith -	210,900	41,575
12. For maintaining certain harbours under the Board of Trade and for grants in aid of harbours - - - - -	58,478	2,600
13. For constructing a new harbour of refuge at Peterhead - - - -	32,000	—

Sched. (B.) Part 4. Civil Services. Class I.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
14.	For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade -	802,500	32,915
15.	For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, and for the maintenance of drainage works on the River Shannon - - - -	271,613	7,960
16.	For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Railways (Ireland) Act, 1896, and the Marine Works (Ireland) Act, 1902, and for other purposes connected with Irish railways (including a supplementary sum of 23,930*l.*) - - -	72,346	—
17.	For expenditure in respect of The Palace of Peace at The Hague - - - -	2,475	—
	Total Civil Services, Class I. - £	3,617,262	124,531

SCHEDULE (B.)—Part 5.

Sched. (B.) Part 5. Civil Services. Class II.

CIVIL SERVICES.—Class II.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914 ; viz. :—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords - - - -	28,037	16,000
2.	For the salaries and expenses of the House of Commons - - - - -	298,322	19,000
3.	For the salaries and other expenses of the department of His Majesty's Treasury and subordinate departments, including expenses in respect of advances under the Light Railways Act, 1896 - - - - -	109,059	3,724
4.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices -	267,613	12,350
5.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	69,730	804
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid of certain expenses connected with Emigration -	60,285	—

SCHED. (B.) PART 5. Civil Services. Class II.

No.		Sums not exceeding: Supply Grants. £	Sums not exceeding: Appropriations in Aid. £
7.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council	10,545	2,000
8.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	376,390	28,042
9.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine (including Merchant Seamen's Fund Pensions)	124,424	80,000
10.	For meeting the deficiency of income from fees, &c., for the requirements of the Board of Trade, under the Bankruptcy Acts, 1883 and 1890	14	109,570
11.	For the salaries and expenses of the Board of Agriculture and Fisheries and of the Royal Botanic Gardens, Kew, including certain grants in aid (including a supplementary sum of 10*l.*)	309,542	209,902
12.	For the salaries and expenses of the Charity Commission for England and Wales	30,000	—
13.	For the Salaries and Expenses of the Department of the Government Chemist	21,210	—
14.	For the salaries and expenses of the Civil Service Commission	54,825	—
15.	For the salaries and expenses of the department of the Comptroller and Auditor General	68,265	3,107
16.	For the salaries and expenses of the Registry of Friendly Societies	17,156	—
17.	For the salaries and expenses of the Local Government Board	294,988	5,600
18.	For the salaries and expenses of the office of the Commissioners in Lunacy in England	20,100	989
18A.	For the salaries and expenses of the Board of Control (Mental Deficiency), England	3,000	—
19.	For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals	50	157,655
20.	For the salaries and expenses of the National Debt Office	12,583	3,183
21.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments	26,135	—
22.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners	28	12,150
23.	For the salaries and expenses of the department of the Registrar General of Births, &c., in England	46,535	10,500
24.	For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates	1,077,708	160,000
25.	For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues	21,850	—

SCHED. (B.) PART 5. Civil Services. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
26.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings	149,300	—
27.	For His Majesty's foreign and other secret services	50,000	—
28.	For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, and expenses under the Private Legislation Procedure (Scotland) Act, 1899	16,556	2,220
29.	For the salaries and expenses of the Board of Agriculture for Scotland (including a supplementary sum of 4,530*l.*)	235,711	21,655
30.	For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays	23,553	2,262
31.	For the salaries and expenses of the Board of Lunacy in Scotland	5,920	529
32.	For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland	7,715	1,300
33.	For the salaries and expenses of the Local Government Board for Scotland	22,678	—
34.	For the salaries and expenses of the household of the Lord Lieutenant of Ireland	4,554	—
35.	For the salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and of the Inspectors of Lunatic Asylums, and expenses under the Inebriates Acts	27,141	310
36.	For the salaries and expenses of the department of agriculture and other industries, and technical instruction for Ireland, and of the services administered by that department, including sundry grants in aid (including a supplementary sum of 25,000*l.*)	165,497	75,875
37.	For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,057	34
38.	For the Congested Districts Board for Ireland (grants in aid) (including a supplementary sum of 10*l.*)	169,760	20,000
39.	For the salaries and expenses of the Local Government Board in Ireland, including sundry grants in aid	110,586	12,000
40.	For the salaries and expenses of the Public Record Office in Ireland and of the Keeper of State Papers in Dublin	7,206	—
41.	For the salaries and expenses of the Office of Public Works in Ireland	46,578	3,500
42.	For the salaries and expenses of the department of the Registrar General of Births, &c., and for the expenses of collecting emigration statistics in Ireland	13,214	860
43.	For the salaries and expenses of the general valuation and boundary survey of Ireland	42,069	9,000
	TOTAL CIVIL SERVICES, CLASS II. £	4,448,489	984,121

SCHED. (B.) PART 6. Civil Services. Class III.

SCHEDULE (B.)—PART 6.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the department of the Solicitor for the affairs of His Majesty's Treasury and King's Proctor, and the department of Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency -	88,604	19,000
2.	For certain miscellaneous legal expenses, including grants in aid of the expenses of the Incorporated Law Societies of England and Ireland - - - - - -	52,016	12,731
3.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund - - - - -	328,214	52,700
4.	For the salaries and expenses of the office of Land Registry - - - - -	39,089	—
5.	For the salaries and expenses of the office of the Public Trustee - - - - -	15	40,485
6.	For the salaries and expenses connected with the County Courts - - - - -	5,000	495,875
7.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the contribution towards the expenses of the Metropolitan Police, and the salaries and expenses of the Inspectors of Constabulary, and expenses in connection with Special Constables and the Police Reserve -	110,436	77
8.	For the expenses of the prisons in England, Wales, and the Colonies, including a grant in aid of certain expenses connected with Discharged Prisoners - - - - -	775,800	25,000
9.	For the salaries and expenses of the office of the Inspector of Reformatories and for the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools and in places of detention under the Children Act, in Great Britain - - - - -	280,392	24,500
10.	For the maintenance of criminal lunatics in the Criminal Lunatic Asylums at Broadmoor and Rampton, including the furnishing and equipment of Rampton Asylum - - -	64,916	1,124
11.	For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland - -	86,500	50,000

SCHED. (B.) PART 6. Civil Services. Class III.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
12.	For the salaries and expenses of the office of the Scottish Land Court - - -	10,000	—
13.	For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - - - -	43,544	—
14.	For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and inmates of the State inebriate reformatory, and the preparation of judicial statistics - -	120,767	6,850
15.	For criminal prosecutions and other law charges in Ireland, including a Grant in relief of certain expenses payable by statute out of local rates - - - - - -	65,488	730
16.	For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund - -	114,047	3,900
17.	For the salaries and expenses of the office of the Irish Land Commission - - -	647,683	24,500
18.	For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and the expenses of revision	110,615	5,280
19.	For the salaries and expenses of the Commissioner of Police, the police courts and the metropolitan police establishment of Dublin -	97,787	56,986
20.	For the expenses of the Royal Irish Constabulary - - - - - -	1,370,421	40,000
21.	For the expenses of the General Prisons Board in Ireland, and of the establishments under their control; the registration of habitual criminals and the maintenance of criminal lunatics confined in district lunatic asylums -	111,346	4,000
22.	For the expenses of reformatory and industrial schools in Ireland - - - - -	111,800	2,260
23.	For the maintenance of criminal lunatics in the Dundrum Criminal Lunatic Asylum, Ireland	7,866	—
	TOTAL CIVIL SERVICES, CLASS III. - £	4,642,346	865,998

SCHED. (B.) PART 7. Civil Services. Class IV.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid and for grants to local authorities in respect of sums borrowed for the purposes of the Education Acts (including a supplementary sum of 150,000*l.*)	14,660,311	8,025
2.	For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid	202,508	17,119
3.	For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures (including a supplementary sum of 1,200*l.*)	22,275	2,250
4.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits	5,677	—
5.	For the salaries and expenses of the Wallace Collection (including a supplementary sum of 400*l.*)	7,577	650
5A.	For the salaries and expenses in respect of Stafford House	2,600	—
6.	For sundry grants in aid of scientific investigation, &c., and other grants (including a supplementary sum of 1,000*l.*)	100,708	—
7.	For grants in aid of the expenses of certain Universities and Colleges in Great Britain and of the expenses under the Welsh Intermediate Education Act, 1889	314,300	—
8.	For public education in Scotland, and for Science and Art in Scotland, including a grant in aid	2,469,622	—
9.	For the salaries and expenses of the National Gallery, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid	6,881	—
10.	For the expenses of the Commissioners of National Education in Ireland (including a grant in aid of the Teachers Pension Fund, Ireland)	1,737,396	700
11.	For the expenses of the Office of the Commissioners for managing certain school endowments in Ireland	910	—
12.	For the salaries and expenses of the National Gallery of Ireland, including a grant in aid for the purchase of pictures	3,165	—
13.	For the salaries and expenses of the Institutions of Science and Art in Dublin, and of the Geological Survey of Ireland, and Annual Grants to Schools and Classes of Science and Art and Technical Instruction, including sundry Grants in Aid, administered by the Department of Agriculture and Technical Instruction for Ireland	140,450	1,420
14.	For grants under the Irish Universities Act, 1908	125,800	—
	TOTAL CIVIL SERVICES, CLASS IV. £	19,800,180	30,164

SCHEDULE (B.)—Part 8.

Sched. (B.) Part 8. Civil Services. Class V.

CIVIL SERVICES.—Class V.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote - -	735,356	106,920
2.	For sundry colonial services, including certain grants in aid - - - - -	700,146	—
3.	For the subsidies to certain Telegraph Companies, and a grant in aid of the annual expenses of the Pacific Cable - - -	28,847	24,777
4.	For a grant in aid of the Revenue of the Island of Cyprus - - - - -	50,000	—
	Total Civil Services, Class V. - £	1,514,349	131,697

SCHEDULE (B.)—Part 9.

Sched. (B.) Part 9. Civil Services. Class VI.

CIVIL SERVICES.—Class VI.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For superannuation, compensation, compassionate, and additional allowances, and gratuities under sundry Statutes, for compassionate allowances and gratuities awarded by the Treasury; and for the salaries of medical referees (including a supplementary sum of 1,516*l.*) - - - - -	775,401	—

SCHED. (B.) PART 9. Civil Services. Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
2. For certain miscellaneous charitable and other allowances, Great Britain - -	1,264	—
3. For hospitals and infirmaries and certain miscellaneous charitable and other allowances in Ireland, including sundry grants in aid -	16,873	—
4. For making good the deficiency on the Income Account of the Fund for Friendly Societies -	14,653	—
TOTAL CIVIL SERVICES, CLASS VI. - £	808,191	—

SCHED. (B.) PART 10. Civil Services. Class VII.

SCHEDULE (B.)—PART 10.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914 ; viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and other expenses of temporary commissions, committees, and special inquiries - - - -	52,000	—
2. For certain miscellaneous expenses - - -	10,116	8,300
3. For making good certain sums written off from the assets of the Local Loans Fund - -	4,058	—
4. For the Ireland Development Grant (Grant in Aid) - - - - -	185,000	—
5. For expenditure in connection with International Exhibitions, including a Grant in Aid of the expenses of the Royal Commission for the Brussels, Rome, and Turin Exhibition -	23,900	—
6. For repayments to the Civil Contingencies Fund of certain Miscellaneous Advances -	9,709	—
7. For contributions in aid of expenses under the Unemployed Workmen Act, 1905 - -	100,000	—
TOTAL CIVIL SERVICES, CLASS VII. - £	389,783	8,300

SCHEDULE (B.)—PART II.

SCHED. (B.) PART II. Civil Services. Class VIII.

CIVIL SERVICES.—CLASS VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For Old Age Pensions in the United Kingdom, and for certain administrative expenses in connection therewith - - - -	12,600,000	—
2.	For the salaries and expenses of the National Health Insurance Joint Committee - -	21,877	—
3.	For the salaries and expenses of the Insurance Commission (England), for contributions under Part I. of the National Insurance Act, 1911, and for the Exchequer proportion of the cost of benefits and expenses of administration under that Part of that Act (including certain grants in aid) - - - - -	3,347,493	—
4.	For the salaries and expenses of the Insurance Commission (Wales), for contributions under Part I. of the National Insurance Act, 1911, and for the Exchequer proportion of the cost of benefits and expenses of administration under that Part of that Act (including certain grants in aid) - - - - -	242,250	—
5.	For the salaries and expenses of the Insurance Commission (Scotland), for contributions under Part I. of the National Insurance Act, 1911, and for the Exchequer proportion of the cost of benefits and expenses of administration under that Part of that Act (including certain grants in aid) - - - -	484,018	—
6.	For the salaries and expenses of the Insurance Commission (Ireland), for contributions under Part I. of the National Insurance Act, 1911, and for the Exchequer proportion of the cost of benefits and expenses of administration under that Part of that Act (including certain grants in aid) - - - - -	300,260	—
7.	For the salaries of the staff and other expenses of Labour Exchanges, including the contribution to the Unemployment Insurance Fund and repayments to associations pursuant to sections 85 and 106 of the National Insurance Act, 1911 - - - -	984,525	247,500

SCHED. (B.) PART II. Civil Services. Class VIII.

No.		Sums not exceeding: Supply Grants.	Appropriations in Aid.
		£	£
8.	For the salaries and expenses of the audit staff under Part I. of the National Insurance Act, 1911 - - - - - - -	116,200	—
9.	For grants in aid of National Health Insurance (United Kingdom), in addition to the sums payable under section three of the National Insurance Act, 1911 (including a supplementary sum of 22,650*l.*)- - - - - -	1,899,650	—
10.	For grants towards the cost of the extension of sanatorium benefit to the dependants of insured persons under the National Insurance Act, 1911, and of the treatment of tuberculosis generally (including a supplementary sum of 180,000*l.*) - - - - - -	305,000	—
11.	For the expenses of the Highlands and Islands (Medical Service) Board, and for a grant in aid of the Highlands and Islands Medical Service	45,000	—
	TOTAL CIVIL SERVICES, CLASS VIII. - £	20,346,273	247,500

SCHED. (B.) PART 12. Revenue Departments, &c.

SCHEDULE (B.)—PART 12.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1914 ; viz. :—

No.		Sums not exceeding: Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs and Excise Department - - -	2,488,750	100,250
2.	For the salaries and expenses of the Inland Revenue Department - - -	2,044,130	10,000
3.	For the salaries and expenses of the Post Office, including Telegraphs and Telephones -	24,365,840	651,625
	TOTAL REVENUE DEPARTMENTS - £	28,898,720	761,875

SCHEDULE (C.)

SCHED. (C.) Navy Services. Section 6.

Number of Vote.	NAVY SERVICES, 1911-12. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Wages, &c., of officers, seamen, and boys, Coastguard, and Royal Marines	24,683 7 9	—
2	Victualling and clothing for the Navy	—	104,805 15 3
3	Medical establishments and services	11,878 1 10	—
4	Martial law	130 1 10	—
5	Educational services	2,595 7 11	—
6	Scientific services	—	1,104 18 4
7	Royal Naval Reserves	641 3 1	—
8	Shipbuilding, repairs, maintenance, &c. :		
	I. Personnel	18,919 1 5	—
	II. Matériel	—	149,967 14 3
	III. Contract work	2,396,198 6 4	—
9	Naval armaments	—	79,266 6 9
10	Works, buildings, and repairs, at home and abroad	—	102,229 8 11
11	Miscellaneous effective services	—	26,360 19 0
12	Admiralty Office	457 4 7	—
13	Half-pay and retired pay	—	10,999 19 8
14	Naval and marine pensions, gratuities, and compassionate allowances	10,685 1 6	—
15	Civil superannuation, compensation allowances, and gratuities	—	11,149 4 1
—	Amount written off as irrecoverable	—	2,060 9 1
	Total	2,466,187 16 3	487,944 15 4
	NET SURPLUS	£1,978,243 0 11	

SCHED. (C.) Army Services.

SCHEDULE (C.)

Number of Vote.	ARMY SERVICES, 1911–12. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Pay, &c., of the Army	102,134 17 4	—
2	Medical establishment: Pay, &c.	—	5,219 0 5
3	Special Reserve	32,020 6 5	—
4	Territorial Forces	78,603 9 0	—
5	Establishments for military education	1,079 5 9	—
6	Quartering, transport, and remounts	—	42,448 3 9
7	Supplies and clothing	—	118,824 4 0
8	Ordnance department establishments and general stores	—	103,344 19 5
9	Armaments and engineer stores	—	10,733 12 4
10	Works and buildings	99,247 19 11	—
11	Miscellaneous effective services	635 12 8	—
12	War Office	4,020 9 5	—
13	Non-effective charges for officers, &c.	1,884 19 10	—
14	Non-effective charges for men, &c.	171 17 2	—
15	Civil superannuation, compensation, and gratuities	3,072 15 9	—
—	Balances irrecoverable and claims abandoned	—	4,643 3 6
	Total	322,871 13 3	285,213 3 5
	NET SURPLUS	£37,658 9 10	

CHAPTER 36.

An Act to provide for the foundation of Bishoprics of Sheffield, Chelmsford, and of another diocese to be formed of such parts of the dioceses of Ely and Norwich as are situate within the County of Suffolk, and for other matters incidental thereto. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of 41 & 42 Vict. c. 68.

1. The Bishoprics Act, 1878 (in this Act referred to as the principal Act), including the repealed portions thereof, shall, subject to the modifications set forth in the First Schedule to this Act, have effect for the purpose of the foundation of new bishoprics of Sheffield, of Chelmsford, and of St. Edmundsbury and Ipswich as if the Second Schedule to this Act were substituted for the schedule to the principal Act and as if the principal Act had become law on the date on which this Act is passed.

Short title.

2. This Act may be cited as the Bishoprics of Sheffield, Chelmsford, and for the County of Suffolk Act, 1913.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

MODIFICATIONS OF PRINCIPAL ACT.

1. The provisions contained in section three of the principal Act saving the rights enjoyed by any person at the passing of that Act shall not apply in relation to the matter referred to in paragraph four of Part I. of the Second Schedule to this Act.

2. An Order in Council under section four of the principal Act may be made in relation to any of the new bishoprics referred to in this Act, whenever the Ecclesiastical Commissioners certify to His Majesty under their common seal that the annual value of the endowment fund of such bishopric (exclusive of the annual value of any episcopal residence, but in other respects calculated according to the provisions of the said section), with the annual value of the sums to be derived from the contributory bishopric or bishoprics is not less than two thousand five hundred pounds a year, and that a fitting episcopal residence has been provided to the satisfaction of the said Commissioners or a capital sum (in addition to the sum necessary to produce the annual value so certified as aforesaid)

sufficient in the opinion of the said Commissioners has been contributed for that purpose.

3. A scheme made under section seven of the principal Act may provide for the re-arrangement of the boundaries of the new diocese to which the same applies and of any diocese contiguous thereto, and of the patronage of the bishops of those dioceses, and in relation to any re-arrangement of boundaries may make any necessary provision for the transfer of any terriers, tithe apportionments, maps, plans, and other documents.

4. Any application in connection with the new bishopric of Sheffield for any such re-arrangement affecting the rural deanery of Snaith or any part thereof presented to the Ecclesiastical Commissioners within six months after they have certified, as hereinbefore mentioned, by any incumbent or churchwarden, or any five parishioners, of a parish situate within the rural deanery of Snaith, shall be considered and determined by the said Commissioners.

5. The scheme made under section seven of the principal Act in relation to the bishopric of Chelmsford may provide for the transfer of the whole or any part of the county of Bedford from the diocese of Ely to the residue of the diocese of St. Albans remaining after the founding of the said bishopric of Chelmsford, and as incidental thereto may provide for the re-arrangement of the patronage of the bishops of Ely and St. Albans, and make any necessary provision for the transfer of any terriers, tithe apportionments, maps, plans, and other documents relating to the several ecclesiastical parishes situate in the said county of Bedford, and may also make all such other provisions and arrangements as may be necessary for carrying into complete effect the said transfer and the scheme relating thereto.

6. The trust to make good to a contributory bishopric the transferred portion of the endowment or income of that bishopric under section eight of the principal Act shall not apply.

Section 1.

SECOND SCHEDULE.

PROPOSALS FOR NEW BISHOPRICS.

PART I.

BISHOPRIC OF SHEFFIELD.

1. The bishop to be the bishop of Sheffield.

2. The diocese of Sheffield to consist (subject to the provisions contained in the First Schedule as to re-arrangement of boundaries) of the rural deaneries of Sheffield, Doncaster, Ecclesfield, Rotherham, Wath, and Snaith, together with such portions of the rural deanery of Dronfield in the diocese of Southwell as now are included in the city of Sheffield.

3. The parish church of Sheffield, subject to the rights of the patrons and incumbent of that church, to be the cathedral church.

4. On the founding of a new bishopric of Sheffield there shall be transferred to the endowment fund of that bishopric from the endowment or income of the see of York the net yearly sum of one thousand pounds.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

Part II.

Bishopric of Chelmsford.

1. The bishop to be the bishop of Chelmsford.

2. The diocese of Chelmsford to consist (subject to the provisions contained in the First Schedule as to re-arrangement of boundaries) of the county of Essex and that part of the county of Kent which lies north of the River Thames.

3. The parish church of Chelmsford, subject to the rights of the patron and incumbent of that church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Chelmsford (*a*) such portion of the endowment or income of the bishopric of Ely as will produce or amount to the sum of seven hundred and fifty pounds per annum, together with a moiety of the proceeds of sale of the episcopal residence attached to the said bishopric of Ely situate in the parish of St. James, Piccadilly, in the county of London, now in the hands of the Ecclesiastical Commissioners, (*b*) such portion of the endowment or income of the bishopric of Norwich as will produce or amount to one hundred and fifty pounds per annum, and (*c*) such portion of the endowment or income of the bishopric of St. Albans as will produce or amount to three hundred and fifty pounds per annum.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

Part III.

Bishopric for Suffolk.

1. The bishop to be the bishop of St. Edmundsbury and Ipswich.

2. The diocese of St. Edmundsbury and Ipswich to consist (subject to the provisions contained in the First Schedule as to re-arrangement of boundaries) of the administrative counties of East Suffolk and West Suffolk.

3. The parish church of St. James, Bury St. Edmunds, subject to the rights of the patron and incumbent of that church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of St. Edmundsbury and Ipswich (*a*) such portion of the endowment or income of the bishopric of Ely as will produce or amount to the sum of seven hundred and fifty pounds per annum, together with the other moiety of the proceeds of sale of the episcopal residence attached to the said bishopric of Ely referred to in Part II. of this Schedule, (*b*) such portion of the endowment or income of the bishopric of Norwich as will produce or amount to the sum of one hundred and

fifty pounds per annum, and (*c*) such portion of the endowment or income of the bishopric of St. Albans as will produce or amount to three hundred and fifty pounds per annum.

5. The episcopal residence to be situate within the borough of Ipswich or in the administrative county of East Suffolk.

6. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

. . . . . .

CHAPTER 37.

An Act to amend Parts I. and III. of the National Insurance Act, 1911. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision of additional money by Parliament.
1 & 2 Geo. 5. c. 55.

1.—(1) In addition to the moneys which under Part I. of the National Insurance Act, 1911 (in this Act referred to as the "principal Act"), are required to be contributed out of moneys provided by Parliament towards defraying the cost of any of the benefits conferred by Part I. of that Act or the expenses of administration of any of those benefits or otherwise for the purposes of that Act, there shall be contributed out of moneys provided by Parliament towards such costs expenses and purposes, such additional sums as Parliament may from time to time determine, and the provisions of the principal Act as to the manner in which the cost of benefits and the expenses of administration are to be defrayed shall be construed as applying only to the balance of such cost and expenses after such additional sums have been applied for the purposes for which they have been provided.

(2) Any additional sums so contributed for the purpose of medical benefit shall be applicable towards the payment of medical attendance and treatment of members of societies who are not insured persons mentioned in paragraph (*e*) of subsection (2) of section fifteen of the principal Act as amended by this Act in like manner and to the like extent as if such medical attendance and treatment were medical benefit.

Extension of time for taking advantage of Act.

2.—(1) If a person not having been previously insured becomes an employed contributor before the thirteenth day of October nineteen hundred and thirteen, the rate of sickness benefit to which he is entitled shall not be reduced by reason only that he did not become an employed contributor within one year after the commencement of the principal Act,

notwithstanding that at the time of becoming an employed contributor he is of the age of seventeen or upwards, and accordingly subsection (4) of section nine, and subsection (5) of section fifty-five, of the principal Act shall have effect, and shall be deemed always to have had effect, as if "sixty-five weeks" were therein substituted for "one year."

(2) The period within which a person may enter into insurance as a voluntary contributor at the rate referred to in subsection (1) of section five of the principal Act shall be extended to the twelfth day of October nineteen hundred and thirteen, and accordingly proviso (*a*) to subsection (1) of section five and subsection (3) of section fifty-five of the principal Act shall have effect, and shall be deemed always to have had effect, as if "sixty-five weeks" were therein substituted for "six months."

Abolition of reduction of benefits in certain cases.

3.—(1) The rate of sickness benefit shall not be reduced in the case of an insured person who became an employed contributor within one year after the commencement of the principal Act by reason that at the date of so becoming an employed contributor he was of the age of fifty years or upwards, and accordingly subsection (3) of section nine and Table C in Part I. of the Fourth Schedule to the principal Act shall be repealed.

(2) Part I. of the principal Act shall apply to persons who at the commencement of the principal Act were of the age of sixty-five or upwards and under the age of seventy, and to persons who have since the commencement of the principal Act attained or may hereafter attain the age of sixty-five in like manner as it applies to other persons, and accordingly subsection (4) of section one, paragraph (*a*) of subsection (4) of section four, and section forty-nine of the principal Act shall be repealed:

Provided that a person who is of the age of sixty-five or upwards at the time of entering into insurance shall not be entitled to medical benefit after he attains the age of seventy, unless the number of weekly contributions paid by or in respect of him exceeds twenty-six.

(3) The Insurance Commissioners may make such regulations as they may consider necessary for providing, in the case of any such classes as aforesaid, for the transition from the provisions of the principal Act affecting them to the provisions of that Act as amended by this section.

Insured persons.

4. Paragraph (*b*) of subsection (3) of section one of the principal Act shall have effect as if there were added thereto "or, being of the age of sixty or upwards, show to the satisfaction of the Insurance Commissioners that they have ceased to be insurable as employed contributors," and, where any persons who by virtue of this section are entitled to become voluntary contributors become such contributors, the rate of contribution payable by them shall continue to be the employed rate.

Exemptions.

5. After paragraph (*b*) of subsection (1) of section two of the principal Act which relates to exemptions, the following paragraph shall be added :—

"(*c*) Ordinarily and mainly dependent for his livelihood on the earnings derived by him from an occupation which is not employment within the meaning of this Part of this Act."

Employment within meaning of principal Act.

6. There shall be added to Part I. of the First Schedule to the principal Act, which specifies the classes of employment which is employment within Part I. of the principal Act, the following paragraph :—

(*e*) Employment under any local or other public authority except such as may be excluded by a special order.

Arrears of contributions.

7.—(1) Where an employed contributor who is a member of an approved society pays to the society such part of any arrears which have accrued due by or in respect of him during any period of unemployment as would have been payable otherwise than by the employer had he continued in employment, the part which would have been so payable by the employer shall be excused, and the amount of the member's arrears shall be reduced accordingly.

For the purpose of calculating the parts which would have been payable by the employer and otherwise than by an employer had an employed contributor continued in employment, the rate of his remuneration shall be deemed to exceed two shillings and sixpence a working day, unless he proves to the satisfaction of the society that his usual rate of remuneration was two shillings and sixpence a working day or less, in which case his rate of remuneration shall be deemed to be such usual rate.

(2) Where in any year a society, or, in the case of a society with branches, a branch of a society, proves to the satisfaction of the Insurance Commissioners that the total number of weekly contributions which accrued due as arrears during the preceding year in respect of all its members who were employed contributors exceeded the standard number (that is to say, three weekly contributions for every such member) then, for the purpose of recouping to the society the loss it will suffer, there shall be paid to the society, or to the society on behalf of the branch, as the case may be, out of the sums retained by the Insurance Commissioners for discharging their liabilities in respect of reserve values, the prescribed amount for every week by which the standard was so exceeded, but not exceeding the total amount so excused as aforesaid :

Provided that, if the aggregate amount so payable in any year exceeds one hundred thousand pounds, the excess shall be paid out of moneys provided by Parliament.

(3) The Insurance Commissioners may make regulations for carrying this section into effect.

Reduction, &c., of benefits on account of arrears.

8. Subject to the provisions of subsection (4) of section ten of the principal Act, insured persons who are in arrear shall be liable to such reduction, postponement or suspension of benefits as may be prescribed so, however, that any such reduction, postponement or suspension of benefit shall be approximately equivalent to the value of the loss occasioned by the failure to pay the contributions in arrear, and the provisions of the principal Act regulating the reduction, postponement and suspension of benefits on account of arrears shall cease to have effect, and the regulations of the Insurance Commissioners may prescribe the time within which, and the conditions under which, arrears may be paid up.

Benefits of exempted persons.

9.—(1) Regulations made by the Insurance Commissioners under subsection (4) of section four of the principal Act shall provide for applying the contributions paid in respect of persons who hold certificates of exemption in providing medical benefit and sanatorium benefit for such persons and the cost of the administration of such benefits, and such persons shall, if they fulfil such conditions as may be imposed by those regulations, become entitled to medical benefit and sanatorium benefit as if they were members of approved societies, and the provisions of the principal Act and this Act with respect to the payment and administration of those benefits (including those relating to the application of moneys provided by Parliament towards the cost of those benefits and the expenses of the administration thereof) shall, subject to any modifications, adaptations, and exceptions contained in the regulations, apply accordingly :

Provided that—

(*a*) the conditions so imposed shall not require payment of upwards of twenty-six weekly contributions before the person becomes entitled to such benefits;

(*b*) where the total income from all sources of any such person exceeds one hundred and sixty pounds a year, he shall be required to make his own arrangements for receiving medical attendance and treatment, and subsection (3) of section fifteen of the principal Act shall apply accordingly.

(2) This section shall apply to persons in Ireland with this modification, that the benefits to be provided shall be such as may be specified in a scheme framed by the Irish Insurance Commissioners, but the sum to be contributed out of moneys provided by Parliament towards the cost of those benefits and the administration thereof shall be the same as if the benefits were benefits to insured persons.

Medical benefit.

10.—(1) No voluntary contributor whose total income from all sources exceeds one hundred and sixty pounds a year shall be entitled to receive medical benefit, but in that case the weekly contribution which would otherwise be payable by him shall be reduced by one penny.

(2) Paragraph (*e*) of subsection (2) of section fifteen of the principal Act shall extend to members of societies other than such friendly societies as are mentioned in that paragraph who were at the date of the passing of the principal Act entitled as such members to medical attendance and treatment in like manner and subject to the like conditions as it applies to members of such friendly societies.

Alternative arrangements for the panel system.

11. If the Insurance Commissioners are satisfied that the insured persons or any considerable proportion of them within an area, or part of an area, are not receiving satisfactory medical treatment under the panel system, the Commissioners may authorise the insurance committee to make, or may themselves make, such other arrangements as will secure to insured persons within the area or part such better medical service as is practicable having regard to the funds available for the purpose, or arrangements whereunder insured persons within the area, or part of the area, may be required to make their own arrangements for receiving medical attendance and treatment, including medicines and appliances, and whereunder the insurance committee or the Insurance Commissioners undertake to pay the cost of such medical attendance and treatment upon such scale as they may determine with the approval of the Commissioners so calculated that the medical attendance and treatment so secured shall be of a quality not inferior to that provided under the panel system.

Sickness benefit.

12.—(1) So much of subsection (5) of section eight of the principal Act as requires the payment of fifty contributions between two periods of disease or disablement in order to prevent the one being treated as a continuation of the other shall cease to have effect.

(2) At the end of the same subsection the following provision shall be added—

"Where by virtue of subsection (1) of section eleven of this Act a part only of sickness benefit has been paid to an insured person, he shall, for the purposes of this subsection, be treated as having been in receipt of sickness benefit for a period bearing the same proportion to the whole period in respect of which such part benefit was paid to him as that part bears to the whole benefit, and the period so resulting shall be deemed to have been continuous and to have expired on the last day of the incapacity in respect of which the partial benefit was paid."

Amendment of paragraph (*c*) of s. 8 (1) of principal Act.

13. Paragraph (*c*) of subsection (1) of section eight of the principal Act shall have effect as if for the words "commencing "from the fourth day after being so rendered incapable of work" there were substituted the words "commencing on the fourth "day of such incapacity," and for the purposes of that paragraph as so amended a day on which the incapacitated person was prevented by the incapacity from doing any effective work shall be treated as a day of incapacity, but a Sunday shall not

be so treated, unless the incapacitated person would but for the incapacity have worked on that day.

Maternity benefit.

14.—(1) Maternity benefit shall in every case be the mother's benefit, but, where the benefit is payable in respect of the husband's insurance, the wife's receipt, or his receipt, if authorised by her, on her behalf, shall be a sufficient discharge to the society or committee, and, where the benefit is paid to the husband, he shall pay it to the wife, and in subsection (1) of section eighteen of the principal Act for the words "treated as "a benefit for her husband, and shall be administered in cash or "otherwise by the approved society of which he is a member" there shall be substituted the words "administered in the "interests of the mother and child in cash or otherwise by the "approved society of which the husband is a member."

(2) At the end of subsection (1) of section eighteen of the principal Act the following words shall be inserted :—

"Where a woman who is an employed contributor is the wife, or, if the child is a posthumous child, the widow, of an insured person, then—

(*a*) if her husband is, or was at the date of his death, a member of an approved society, and by reason of an insufficient number of contributions having been paid by or in respect of him, or on account of arrears, no maternity benefit is payable in respect of his insurance, she shall, on her confinement, be entitled to receive in respect of her own insurance such sum as she would have been entitled to receive if he had not been an insured person; and

(*b*) If her husband is, or was at the date of his death, a deposit contributor, and by reason of an insufficient number of contributions having been paid by or in respect of him or of the insufficiency of the sum standing to his credit in the Deposit Contributors Fund, no maternity benefit or a sum less than the full maternity benefit is payable in respect of his insurance, she shall, on her confinement, be entitled to receive, in respect of her own insurance, such sum as, with the sum (if any) payable in respect of her husband's insurance, is equal to the sum she would have been entitled to receive if he had not been an insured person."

(3) Where a woman confined of a child is herself an insured person and is a married woman or, if the child is a posthumous child, a widow, she shall, in lieu of any sickness or disablement benefit to which she may be entitled under subsection (6) of section eight of the principal Act, be entitled to receive a maternity benefit from the society of which she is a member or the insurance committee, as the case may be, in addition to any maternity benefit to which she may be otherwise entitled in respect of her husband's or her own insurance, and every

approved society and insurance committee shall make rules to the satisfaction of the Insurance Commissioners requiring any woman in respect of whom any such sum is payable in respect of her own insurance to abstain from remunerative work during a period of four weeks after her confinement.

(4) So much of subsection (1) of section eighteen of the principal Act as provides that if a duly-qualified medical practitioner is summoned in pursuance of the rules made under the Midwives Act, 1902, the prescribed fee shall, subject to regulations made by the Insurance Commissioners, be recoverable as part of the maternity benefit, shall cease to have effect.

2 Edw. 7. c. 17.

Amendment of s. 12 of principal Act.

15.—(1) Section twelve of the principal Act shall have effect as though proviso (1) to subsection (2) of that section were omitted therefrom, and any sum which, but for the provisions of that section, would have been payable to any person on account of sickness, disablement, or maternity benefit, if and so far as it is not paid or applied in accordance with the provisions of that section while the person to or in respect of whom it would have been payable is an inmate of any workhouse, hospital, asylum, convalescent home, or infirmary, may, if the society or committee administering the benefit thinks fit, be applied in the provision of any surgical appliances required for the person or otherwise for his benefit after he ceases to be an inmate, or, if it is not so expended, shall be paid in cash to the person after leaving the institution, in a lump sum or in instalments as the society or committee thinks fit, and, where any sum which apart from section twelve of the principal Act would have been payable on account of sickness benefit has been paid or applied under that section as amended by this section, it shall be treated as a payment in respect of sickness benefit for the purpose of determining the rate and duration of that benefit.

(2) Proviso (ii) to subsection (2) of section twelve of the principal Act shall have effect as if for the words "both on "account of sickness or disablement benefit and on account of "maternity benefit" there were substituted the words "both "on account of maternity benefit payable in lieu of sickness or "disablement benefit and on account of maternity benefit not "so payable," and for the words "which would otherwise be "payable on account of maternity benefit" there were substituted the words "which would otherwise be payable on account "of such last-mentioned maternity benefit."

Provisions as to societies having members in more than one part of the United Kingdom.

16.—(1) So much of subsection (3) of section eighty-three of the principal Act as provides that the regulations made under that subsection shall require that in the case of a society or branch which has amongst its members persons resident in England, Scotland, Ireland, and Wales, or any two or any three of such parts of the United Kingdom, the members in each such part shall, for the purposes of Part I. of the principal Act relating to valuations, surpluses, deficiencies, and transfers, be treated as if they formed a separate society, is hereby repealed:

Provided that, where the joint committee are satisfied, on representations made within six months after the passing of this Act, that the members of any such society resident in a part of the United Kingdom other than that in which the registered office of the society is situated desire that they shall be treated as if they formed a separate society, the members of the society resident in that part shall, for the purposes aforesaid, continue to be so treated, and the joint committee in the exercise of their powers under this proviso shall in each case consult with the Commissioners for the part of the United Kingdom in question and hold an inquiry, or, where in their opinion the wishes of members cannot otherwise be properly ascertained, cause a poll to be taken in the prescribed manner.

(2) A society shall not be required to be approved in respect of any part of the United Kingdom other than that in which its registered office is situated by reason of the fact that among its members are persons for the time being resident in that part of the United Kingdom, but a society shall not admit as a member any person resident at the time of admission in any part of the United Kingdom in respect of which the society is not an approved society.

(3) A society which has received approval for more than one part of the United Kingdom may relinquish approval for any part or parts other than that in which its registered office is situate, if it satisfies the joint committee that it fulfils one or other of the following conditions :—

(i) that none of its members are resident in the parts of the United Kingdom in respect of which approval is proposed to be relinquished ; or

(ii) that any members who are so resident were at the time when they were admitted to membership of the society resident in a part of the United Kingdom in which the society will remain an approved society.

For the purposes of this provision, admission to membership of a society means admission to membership whether for the purposes of Part I. of the principal Act or for any other purposes of the society, and in the case of a society which is a separate section of another society includes admission to membership of that other society.

(4) Where any members of a society reside in a part of the United Kingdom in respect of which the society is not an approved society, the provisions of subsection (2) of section eighty of the principal Act, which relate to payments into and out of the Scottish National Health Insurance Fund, and the corresponding provisions of the principal Act relating to the Irish and Welsh National Health Insurance Funds, shall apply as if those members resided in the part of the United Kingdom in which the registered office of the society is situated or, in the case of a society with branches, in which the registered office of the branch of which they are members is situated.

This subsection shall apply as respects the members of a branch of a society resident in a part of the United Kingdom other than that in which the registered office of the branch is situated, notwithstanding that the society is approved for that part, unless the joint committee, on the application of the society, otherwise determine, but no branch to which the said provisions apply shall admit as a member of the branch any person resident at the time of admission in any part of the United Kingdom other than that in which the registered office of the branch is situated.

(5) For the purposes of facilitating adjustments in respect of persons removing from Ireland to Great Britain or from Great Britain to Ireland, the transfer values and reserve values of persons resident in Ireland shall be calculated as if they were resident in Great Britain, and, where any member of an approved society is at the time of attaining the age of seventy resident in Ireland, the prescribed part of his transfer value shall be carried by the society of which he is a member to a separate account and dealt with in such manner as may be prescribed.

Variation in rules of approved societies.

17. Where the executive body of a society show to the satisfaction of the Commissioners that it is of importance to the society that the rules of the society should be amended or varied immediately, but that, owing to the requirements of the rules the amendments or variation cannot be made without delay or without the authority of a meeting of the society, or some committee, or delegate body, and that that meeting cannot be held without undue delay or expense, the Commissioners may, on the application of the executive body, authorise the variation or amendment if rendered necessary by the passing of this Act to come into force immediately, and continue in force until the delay required has elapsed, or until the time at which the meeting would in ordinary course have been held, and, where the rules require the sanction of a special general meeting, the Commissioners may authorise the substitution of the sanction of the annual general meeting.

Provisions as to associations.

18. An approved society may join and remain in an association for the purposes of section thirty-nine of the principal Act notwithstanding that the number of its members for the purposes of Part I. thereof is less than fifty or more than five thousand, and, in calculating for the purposes of that section the number of persons who are such members, no account shall be taken of members who by reason of marriage are suspended from receiving ordinary benefits and are not special voluntary contributors or who are not insured persons.

Special provisions as to casual and intermittent employment.

19.—(1) The Insurance Commissioners may, by special order, modify the principal Act in its application to persons whose employment is of a casual or intermittent nature, and the employers of such persons, and any such order may apply either generally or to any one or more particular trades or industries

or branches thereof and either generally or in any one or more particular localities, and, where any such order is restricted to a particular trade or industry or branch thereof in a particular locality, it may extend to other persons if employed in the same class of employment as the persons to whom the order primarily relates.

(2) The order may make provision as to the amount of the employed rate and the contributions payable by the employer and by the employed contributor respectively, and the payment, recovery and collection of such contributions in such manner, in such proportions, and in respect of such periods as may be specified in the order, and for the apportionment amongst employers of the amounts payable by employers, and may modify and adapt the provisions of the principal Act accordingly, so however that the employer's contributions shall not exceed sixpence nor the employed contributor's contributions fourpence (or in the case of a woman threepence) in any week, nor, if the contributions are payable day by day, shall the employed contributor's contribution for any day exceed one penny.

(3) The provisions of the principal Act as to the laying of regulations before both Houses of Parliament and the proceedings consequent thereon shall apply to special orders made under this section in lieu of the provisions contained in subsection (2) of section one hundred and thirteen of the principal Act:

Provided that, in lieu of the inquiry as regards any draft order under the said section one hundred and thirteen, there shall be substituted for the purposes of this section an inquiry to be held by one or more competent and impartial persons to be appointed by the Lord Chancellor on the demand (made in the prescribed manner) of the person making the objection to the draft order.

Woman of British nationality married to an alien.

20.—(1) Subsection (3) of section forty-five of the principal Act shall be amended so as to read as follows:—

"An insured woman who, having been a British subject before marriage, has ceased to be a British subject by reason of marriage with a person not being a British subject, shall not be subject to the provisions of this section."

(2) Where the wife of an alien insured person, being a person subject to the provisions of section forty-five of the principal Act, was before marriage a British subject, the maternity benefit payable in respect of his insurance shall, subject to regulations to be made by the Insurance Commissioners, be increased by two-sevenths, and the amount of such increase shall be paid out of moneys provided by Parliament.

Special provision for aliens.

21. Subsection (4) of section forty-five of the principal Act shall have effect as if after the words "approved society" where they first occur there were inserted the words "or which amal-" gamates with or transfers its engagements to an approved

" society or which proves to the satisfaction of the Insurance " Commissioners that it has organised, either solely or jointly " with other bodies, an approved society for the benefit of its " members."

Extension of s. 46 of the principal Act to warrant officers of marines, &c.

22. For the purposes of section forty-six of the principal Act, " marine " includes every warrant officer of marines, except Royal Marine gunners, and " soldier " does not include a soldier who has not been finally accepted for service.

Provisions as to the mercantile marine.

23.—(1) In section forty-eight, subsection (1) of the principal Act, the following proviso shall be inserted :—

" Provided that, in respect of that part of such period as aforesaid during which the owner of the ship is not liable to pay wages to the master, seaman, or apprentice so suffering from disease or disablement, sickness benefit may be paid in whole or part if such master, seaman, or apprentice has dependants, and was serving on a home-trade ship, and the benefit so paid shall be paid to, or applied for the relief or maintenance of, such dependants in such manner as the society or committee by which the benefit is administered, after consultation whenever possible with the master, seaman, or apprentice, thinks fit."

(2) The rules of the Seamen's National Insurance Society may, notwithstanding anything in subsections (4) and (8) of section forty-eight of the principal Act, provide for the admission to the society of masters, seamen, and apprentices to the sea service or sea-fishing service who are entitled to be or become voluntary contributors, and for allowing a member who leaves the sea service and who is or continues to be a voluntary contributor to remain a member of the society.

Amendment of s. 51 of principal Act.

24. In subsection (1) of section fifty-one of the principal Act, for the words :—

" Where the managers of any institution carried on for charitable or reformatory purposes prove that the persons who are inmates of and supported by the institution—"

there shall be substituted the following words, namely :—

" Where the managers of any institution carried on for charitable or reformatory purposes prove that the persons who for such purposes are inmates of the institution."

Power to treat all employees of an employer as being remunerated at normal rate.

25.—(1) Where it appears to the Insurance Commissioners that the persons employed by any employer or group of employers in any class or classes of work are in general in receipt of a rate of remuneration which, although liable to fluctuation, is normally within any of the limits hereinafter mentioned, the Commissioners may, by a special order, declare that all the persons employed by that employer or group of employers in that class or those classes of work shall, for the purposes of the principal Act, but subject to any exceptions contained in

the order, be treated as if they were constantly in receipt of the normal rate of remuneration, notwithstanding that those persons or any of them may in any week in fact receive a higher or lower rate of remuneration.

(2) The limits referred to in this section are—

(*a*) A rate not exceeding one shilling and sixpence a working day;

(*b*) A rate exceeding one shilling and sixpence but not exceeding two shillings a working day;

(*c*) A rate exceeding two shillings but not exceeding two shillings and sixpence a working day.

Employers in case of outworkers.

26. The Insurance Commissioners may, by a special order, provide that as respects any outworkers or any class of outworkers specified in the order the person specified in the order shall, for the purposes of Part I. of the principal Act, be deemed to be the employer.

Decision of disputes.

27.—(1) Any dispute between an approved society and any person as to whether that person is or was at any date a member of that society for the purposes of Part I. of the principal Act, shall be decided in like manner as a dispute between an approved society and an insured person who is a member thereof, and any dispute between two or more approved societies or between an approved society and an insurance committee or between two or more insurance committees, shall be decided in like manner as a dispute between an insured person and an insurance committee, and section sixty-seven of the principal Act shall apply accordingly.

(2) If any question arises as to the person who is the employer of an employed contributor, the question shall be determined in like manner as a question in paragraph (*a*) of section sixty-six of the principal Act, and that section shall apply accordingly.

Extension of powers of Commissioners to make regulations.

28. The Insurance Commissioners may make regulations with respect to all or any of the matters specified in the First Schedule to this Act, and the regulations may contain such incidental, supplemental, and consequential provisions as appear necessary for modifying and adapting the provisions of the principal Act to the provisions of the regulations and otherwise for the purpose of the regulations.

Joint committee and Insurance Commissioners.

29.—(1) Regulations made by the Treasury under section eighty-three of the principal Act may incorporate the joint committee constituted under that section.

(2) All documents issued before the commencement of this Act by the joint committee, either alone or jointly with any of the bodies of Insurance Commissioners appointed for the purposes of Part I. of the principal Act shall be deemed to have been validly issued if issued under a seal purporting to be the seal of the joint committee, or under the hands of any

four or more of the members of the committee countersigned by the secretary or clerk to the joint committee.

31 & 32 Vict. c. 37. 45 & 46 Vict. c. 9.

(3) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to each of the said several bodies of Insurance Commissioners, and to the said joint committee, as if each of those bodies and the joint committee were included in the first column of the schedule to the first-mentioned Act, and the chairman or any other member or the secretary or clerk, or any person authorised to act on behalf of the secretary or clerk, of the body or committee, were mentioned in the second column of that schedule, and as if the regulations referred to in those Acts included any document issued by any of those bodies or that committee.

(4) This section shall come into operation on the passing of this Act.

Insurance committees.

30.—(1) Every insurance committee constituted or to be constituted under section fifty-nine subsection (1) of the principal Act shall be a body corporate by the name of the insurance committee for the borough (or county) of , and every such insurance committee shall have perpetual succession and a common seal, and may sue and be sued, and (subject to the consent in every case of the Insurance Commissioners) have power and authority (without any licence in mortmain) to take, purchase, and hold land for the purposes of the principal Act and this Act.

(2) At least one woman shall be on every sub-committee formed by an insurance committee for dealing with the administration of any benefit, and section fifty-nine of the principal Act shall be varied accordingly.

Expenses of insurance committees.

31.—(1) In addition to any allowances for travelling expenses which may be paid under subsection (2) of section sixty-one of the principal Act, an insurance committee may pay to the members of the committee subsistence allowance and compensation for loss of remunerative time in accordance with a scheme prepared by the committee and approved by the Insurance Commissioners, and there shall be paid out of moneys provided by Parliament towards the expenses of an insurance committee under such scheme, such sum (if any) as the Insurance Commissioners with the consent of the Treasury, may determine so, however, that the aggregate amount so paid shall not exceed thirty thousand pounds in any one year.

(2) After the words "Provided that, if the special circumstance of any county" in subsection (2) of section sixty-one of the principal Act, there shall be added the words "or county borough."

(3) An insurance committee may pay as general expenses incurred by them in the execution of their duties any sum, not exceeding ten pounds in any one year, as a subscription to the funds of any association of insurance committees whose objects are approved by the Insurance Commissioners, as well as any

reasonable expenses of the attendances of representatives, not exceeding in any case four, at meetings of such associations, on a scale to be approved by the Commissioners.

Consultation with practitioners who have entered into agreements with insurance committees.

32. Where it is made the duty of an insurance committee under the provisions of this Act or of the principal Act, or of regulations made thereunder, to ascertain, in respect of any matter affecting the administration of medical benefit in the area, the opinions and wishes of the medical practitioners who have entered into agreements with the insurance committee for the attendance and treatment of insured persons whose medical benefit is administered by the committee, they shall do so through a committee appointed by such practitioners in accordance with regulations made by the Insurance Commissioners, and such committee shall perform such duties and shall exercise such powers as may be determined by the Insurance Commissioners, and in any area in which within six months of the time of the passing of this Act no local medical committee has been recognised under the provisions of section sixty-two of the principal Act, a committee elected in the manner herein-before provided may be recognised as the local medical committee for that area.

Committees elected by persons, &c., supplying drugs and medicines.

33.—(1) In every county or county borough there shall be elected, in accordance with regulations made by the Insurance Commissioners, by the persons, firms, and bodies corporate, who have agreed to supply drugs, medicines, and appliances to insured persons whose medical benefit is administered by the committee, a local committee, and it shall, subject to regulations made by the Insurance Commissioners, be consulted by the insurance committee on all general questions affecting the supply of drugs, medicines, and appliances to insured persons, and shall perform such duties and exercise such powers as may be determined by the Insurance Commissioners.

(2) The insurance committee, if requested so to do by any committee elected by the medical practitioners who have entered into agreement with the insurance committee for the attendance and treatment of insured persons whose benefit is administered by the insurance committee, and if requested by the local committee elected in manner provided by the last foregoing subsection, may be authorised by the Insurance Commissioners out of moneys available for the provision of medical benefit within the area to allot to, and for the administrative expenses of, each of the said committees, respectively, such a sum not exceeding one penny in all in respect of each insured person entitled to obtain medical attendance and treatment from the practitioners who have entered into agreement with the insurance committee as may be determined by the insurance committee with the consent of the Commissioners.

Offences and legal proceedings.

34.—(1) If any employer deducts, or attempts to deduct, from the wages or other remuneration of an employed contributor the whole or any part of the employer's contribution,

as defined in the Second Schedule to the principal Act, he shall be guilty of a contravention of the provisions of Part I. of the principal Act.

(2) Every person who buys, takes in exchange, or takes in pawn from an insured person, or any person acting on his behalf, on any pretence whatever, any insurance card or insurance book shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) The time within which proceedings may be taken under subsection (2) of section sixty-nine of the principal Act against an employer charged with an offence of failing or neglecting to pay any contribution in respect of an employed contributor shall be one year from the date of the commission of the alleged offence, and where an employer has been convicted of such an offence then, if notice of the intention to do so is served with the summons or warrant, evidence may be given of failure or neglect on the part of the employer to pay other contributions in respect of that employed contributor during the year preceding the date when the information was laid, and on proof of such failure or neglect the employer shall be liable to pay to the Insurance Commissioners a sum equal to the total amount of all the contributions which he is so proved to have failed or neglected to pay.

Provision as to marriage certificates.

35. The provisions of section one hundred and fourteen of the principal Act, which relate to certificates of birth, shall apply to certificates of marriage in like manner as they apply to certificates of birth, except that the fee shall be one shilling instead of sixpence and that the person from whom the certificate and form of requisition may be obtained shall be the registrar or superintendent registrar or other person having the care of the register in which the marriage is entered.

Change of name of Post Office Fund.

36. The special fund constituted under section forty-two of the principal Act shall be known as the "Deposit Contributors Fund," and, consequently, references in the principal Act and documents issued thereunder to the Post Office Fund shall be construed as references to the Deposit Contributors Fund.

Exemption of documents from stamp duty.

37. Stamp duty shall not be chargeable upon the documents in connection with business under Part I. of the Principal Act, specified in the Second Schedule to this Act.

Power to take evidence on oath.

38. Where, under any provision of the principal Act or any regulations made thereunder, the Insurance Commissioners are required or authorised to hold, or to appoint any committee or person to hold an inquiry, the witnesses shall, if the Commissioners think fit, or if any one of the parties so demand, be examined on oath, and the committee or person appointed to hold an inquiry shall have power to administer oaths for the purpose.

Agreements with Metropolitan Asylums Board.

39. Notwithstanding anything in any Act, it shall be lawful for the managers of the Metropolitan Asylums district, with the sanction of the Local Government Board, to enter into agreements with any county council or county borough council or, with the consent of the county council, with any authority in a county, for the reception of insured persons and their dependants suffering from tuberculosis or any such other disease as the Local Government Board, with the approval of the Treasury, may appoint under section eight of the principal Act, into hospitals or sanatoria provided by the managers, and for this purpose the managers shall not be deemed to be a poor law authority. Any such agreements may provide that the cost of the treatment of the patients so received, or some part thereof, shall be borne otherwise than as provided by section eighty of the Public Health (London) Act, 1891.

54 & 55 Vict. c. 76.

Revocation and amendment of orders and extension of time for making orders under s. 78 of principal Act.

40.—(1) Any order or special order made under the principal Act or this Act may be revoked, varied, or amended by an order or special order made in like manner as the original order.

(2) The time, within which the powers of the Insurance Commissioners to make orders under section seventy-eight of the principal Act may be exercised, shall be extended to the thirty-first day of December nineteen hundred and fourteen.

Special provisions as to Scotland.

41.—(1) For the purpose of providing institutions for the treatment of tuberculosis or any such other disease as the Local Government Board for Scotland, with the approval of the Treasury, may appoint, a county council in Scotland shall have power to borrow in terms of the Local Government (Scotland) Act, 1889, on the security of the general purposes rate, as applied by section eighty of the principal Act, such sums as may be required, and shall have power to acquire, purchase, or take on lease any land; and the provisions of section five of the Local Government (Scotland) Act, 1908, shall apply accordingly as if the principal Act and this Act were specified therein.

52 & 53 Vict. c. 50.

8 Edw. 7. c. 62.

(2) Expenses of a district committee defrayed out of the public health general assessment within the district in pursuance of an agreement under the principal Act or this Act, or in the exercise of any power of dealing with tuberculosis or such other disease as aforesaid as an infectious disease, shall not be reckoned in any calculation as to the statutory limit of that assessment.

(3) A county council in Scotland that has been authorised by the Board to provide an institution in terms of section sixty-four subsection (2) of the principal Act shall have the same powers of providing treatment for all persons suffering from tuberculosis or such other disease as aforesaid as are possessed by local authorities under the Public Health (Scotland) Act, 1897, for the treatment of infectious diseases.

60 & 61 Vict. c. 38.

(4) At the end of subsection (4) of section eighty of the principal Act, the following shall be added:—

"And provided further that, for the purposes of subsection (3) of section sixty-four of this Act, relating to the

provision of sanatoria, burghs and police burghs so held to be within the county may receive direct representation in groups or otherwise, on any joint committees, joint boards, or other bodies thereby constituted, in such manner as may be determined by the Board."

(5) All proceedings for any contravention of, or non-compliance with, any of the provisions of Part I. or of Part III., so far as relating to matters under Part I. of the principal Act or this Act, or the regulations made thereunder, shall in Scotland be instituted and carried on under the provisions of the Summary Jurisdiction (Scotland) Acts, and may be taken at the instance of the procurator fiscal or of the Scottish Insurance Commissioners.

(6) Where an employer in Scotland has failed or neglected to pay any contributions which, under Part I. of the principal Act, he is liable to pay in respect of an employed contributor, the amount which he has so failed or neglected to pay shall be a debt due from the employer to the Commissioners, and shall be recoverable by the Commissioners summarily as a civil debt: Provided that the powers conferred by this section on the Commissioners shall be deemed to be in supplement of and nowise in restriction of the powers conferred upon them or upon members of approved societies by the principal Act.

(7) The reference in this Act to the Lord Chancellor shall, as respects Scotland, be construed as a reference to the Lord President of the Court of Session.

Special provisions as to Wales.

42.—(1) Where the area of an insurance committee making an arrangement under subsection (1) of section sixteen of the principal Act is situate in Wales, the Welsh Insurance Commissioners shall be substituted for the Local Government Board as the authority whose approval is required under that subsection for the purpose of enabling that committee to enter into such an arrangement.

(2) The council of a county or county borough in Wales may agree with King Edward the Seventh's Welsh National Memorial Association to make such annual or other payments, subject to such conditions and for such periods as may be approved by the Welsh Insurance Commissioners, and any expenses incurred under this subsection shall, in the case of a county council, be defrayed in like manner as expenses under subsection (2) of section sixty-four of the principal Act, and, in the case of a county borough council, as part of their expenses incurred in the execution of the Public Health Acts.

Short title, construction.

43.—(1) This Act may be cited as the National Insurance Act, 1913, and the principal Act and this Act may be cited together as the National Insurance Acts, 1911 to 1913.

(2) This Act shall be deemed to be part of Part I. of the principal Act, except that any provisions of this Act which supersede or amend any provisions of Part III. of the principal

Act shall be deemed to be part of Part III. of the principal Act.

(3) This Act shall, save as otherwise expressly provided, come into operation on the first day of September nineteen hundred and thirteen or such later date or dates as the Joint Committee may by order appoint, and different days may be appointed for different purposes and different provisions of this Act, so, however, that no date later than the thirteenth day of October, nineteen hundred and thirteen, shall be appointed for the coming into operation of the provisions of this Act altering the rates of sickness or disablement benefit in respect of any class of insured persons, nor later than the fifteenth day of January, nineteen hundred and fourteen, in respect of any other purpose or provision.

(4) The provisions of the principal Act mentioned in the Third Schedule to this Act are hereby repealed.

SCHEDULES.

FIRST SCHEDULE.

Section 28.

MATTERS WITH RESPECT TO WHICH REGULATIONS MAY BE MADE.

(A) The manner and conditions in and upon which the following matters may be carried into effect :—

(i) The amalgamation for the purposes of Part I. of the principal Act of any two or more approved societies, or of an approved society with a society which is not an approved society, or of any two or more branches of an approved society :

(ii) The transfer by an approved society of its engagements under Part I. of the principal Act, or of such of those engagements as relate to members resident in a particular part of the United Kingdom, to any other approved society which undertakes to fulfil these engagements, and the transfer from one branch to one or more other branches or to the society of such engagements as aforesaid.

(iii) The financial adjustments to be made on any such amalgamation or transfer.

(B) The manner and conditions in and upon which the dissolution of approved societies may be carried into effect, and for that purpose providing for the valuation of the assets and liabilities of dissolved societies under Part I. of the principal Act, and the reduction (either permanently or temporarily), in the event of a deficiency being disclosed, of the rates of benefits payable to members and the periods during which those benefits or any of them are payable, and for the establishment of a special fund to which contributions of such members are to be paid, and out of which their benefits are to be paid, and the application, subject to the prescribed modifications adaptations and exceptions, to such fund and the members thereof, of the provisions of Part I. of the principal Act relating to approved societies and the membership of and transfer to and from approved societies,

(C) Authorising the Commissioners to withdraw approval from a society on account of maladministration of its affairs under the principal Act in cases where it appears expedient in the interests of the members of the society to do so.

(D) The crediting or variation (whether by way of increase or decrease) and cancellation of reserve values.

(E) Applying to the Navy and Army Insurance Fund and to members of that fund such of the provisions of the principal Act as amended by this Act, relating to approved societies and to membership of and transfer to and from approved societies, as the Commissioners think necessary for facilitating admissions to and transfer from the fund and for the proper administration of the fund, and for continuing the right to payment of maternity benefit out of that fund until the man is transferred to an approved society or becomes a deposit contributor, and for extending any of the provisions of subsection (3) of section forty-six of the principal Act to seamen, soldiers, and marines who are not members of an approved society.

(F) For enabling the sums required to be paid or credited in any year to insurance committees under subsection (1) of section sixty-one of the principal Act, instead of being paid or credited at the commencement of the year, to be paid or credited at such time or times and in such instalments and in such manner and proportions as may, with the consent of the Treasury, be prescribed.

(G) Enabling approved societies and insurance committees, and, in the case of persons entitled to benefits out of the Navy and Army Insurance Fund, the Admiralty or Army Council, to appoint a person to exercise on behalf of any insured person of unsound mind any right of election which that person is, under Part I. of the principal Act entitled to exercise, and to appoint a person to receive on behalf and for the benefit of such person any sums by way of benefit which would otherwise have been payable to him.

Section 37.

SECOND SCHEDULE.

1. Draft, or order, or receipt given by or to an approved society, or branch, or insurance committee in respect of money payable in pursuance of Part I. of the principal Act, or of the rules of the society or branch.

2. Letter or power of attorney granted by any person as trustee for the transfer of any money of an approved society, or branch, or insurance committee invested in his name in the public funds.

3. Bond or other security given to, by, or on account of an approved society or branch, or by the treasurer or other official thereof.

4. Appointment or revocation of appointment of agent, or other document required or authorised by or in pursuance of Part I. of the principal Act, or by the rules of an approved society or branch.

5. Agreement entered into between an approved society or branch and an insurance committee in regard to medical benefit under Part I. of the principal Act.

THIRD SCHEDULE.

ENACTMENTS REPEALED. Section 43.

Subsection (4) of section one.
Paragraph (*a*) of subsection (4) of section four.
In subsection (5) of section eight the words ("and at least fifty " weekly contributions have been paid by or in respect of him").
Subsection (3) of section nine.
Subsection (6) of section ten.
Proviso (i) of subsection (2) of section twelve.
Subsection (1) of section eighteen, from ("but if in the case of a " midwife being selected") to the end of that subsection.
Subsection (3) of section forty-five.
Section forty-nine.
Table C. in Part I. of the Fourth Schedule.

CHAPTER 38.

An Act to make better and further provision for the care of Mentally Defective Persons and to amend the Law relating to Lunacy in Scotland. [15th August 1913.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

POWER AND MANNER OF DEALING WITH DEFECTIVES.

Powers of dealing with Defectives.

1. The following classes of persons who are mentally defective shall be deemed to be defectives within the meaning of this Act:— Definition of defectives.

(*a*) Idiots; that is to say, persons so deeply defective in mind from birth or from an early age as to be unable to guard themselves against common physical dangers;

(*b*) Imbeciles; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that they are incapable of managing themselves or their affairs, or, in the case of children, of being taught to do so;

(*c*) Feeble-minded persons; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or, in the case of children, that they by

reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

(*d*) Moral imbeciles; that is to say, persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

Duty of parents and of school board and parish council to provide for defectives.

2.—(1) It shall be the duty of the parents or guardians of children between five and sixteen years of age who are defectives within the meaning of this Act, to make provision for the education or for the proper care and supervision of such children as the case may require, and, where the parent or guardian of a defective child is, by reason of the attendant expense, unable to make suitable provision as aforesaid, it shall be the duty of the school board (except as herein-after in this section provided) to make such provision either in virtue of their powers under the 6 Edw. 7. c. 10. Education of Defective Children (Scotland) Act, 1906, as read Edw. 7. c. 63. with the Education (Scotland) Act, 1908, or in terms of this Act as the local authority concerned.

(2) It shall be the duty of the school board to make arrangements, as the local authority concerned under this Act, and subject to the approval of the Scotch Education Department—

(*a*) for ascertaining what children within their area are defectives within the meaning of this Act;

(*b*) for ascertaining which of such children are incapable by reason of mental defect of receiving benefit or further benefit from instruction in special schools or classes, or of receiving such instruction without detriment to the interests of the other children and for notifying to the parish council and the General Board of Control herein-after constituted (in this Act referred to as the Board) the names and addresses of such children.

(3) In the case of doubt as to whether a child is or is not capable of receiving such benefit as aforesaid, or whether the retention of a child in a special school or class would be detrimental to the interests of the other children, the matter shall be determined by the Scotch Education Department.

(4) When the name and address of a child have been notified to the parish council under this section the duty of the school board to make suitable provision in regard to such child in terms of this Act shall be transferred to and imposed on the parish council, which shall thereafter in the case of such child be the local authority concerned under this Act.

(5) It shall be the duty of the parish council, as the local authority concerned in terms of this Act and subject to regulations made by the Board with the approval of the Secretary for Scotland, to ascertain what persons of sixteen years or over

within their parish (not being persons who can be dealt with as lunatics under the Lunacy Acts) are defectives subject to be dealt with under this Act otherwise than at the instance of their parents or guardians, and to take steps for securing that they shall be dealt with by being sent to institutions or placed under guardianship in accordance with this Act.

Circumstances rendering defectives subject to be dealt with.

3.—(1) A person who is a defective shall be subject to be dealt with under this Act in accordance with the provisions thereof hereinafter contained—

(*a*) at the instance of his parent or guardian, if he is an idiot or imbecile or at the instance of his parent if, though not an idiot or an imbecile, he is under the age of twenty-one; or

(*b*) at the instance of the school board or the parish council, as the case may be, if he is a person under the age of sixteen for whom it is the duty of the school board or the parish council to make suitable provision; or

(*c*) if in addition to being a defective he is a person—

(i) who is found neglected, abandoned, or without visible means of support, or cruelly treated; or

(ii) who is found guilty of any offence punishable in the case of an adult with penal servitude or imprisonment, or who is ordered or found liable to be ordered to be sent to a certified industrial school; or

(iii) who is undergoing a sentence of imprisonment (except imprisonment under civil process), or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school, or in an inebriate reformatory or who is detained in an asylum or other lawful place of detention for lunatics or a criminal lunatic asylum or criminal lunatic department of a prison; or

(iv) who is an habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900; or

(v) in whose case such notice has been given by the school board as is herein-after in this section mentioned; or

(vi) who, being a woman and unmarried, is in receipt of poor relief at any time during her pregnancy or at the time of giving birth to a child; or

(vii) who, during any consecutive period of six months in the year immediately before the commencement of proceedings under this Act, has been in receipt of poor relief in a poor-house on three or more than three several occasions:

Provided that, in the case of persons under the age of sixteen referred to in paragraph (*c*) of this subsection, the local authority concerned shall be the school board, unless such persons are, or have been, notified to the parish council under the immediately preceding section; and in the case of persons of sixteen years or over referred to in paragraph (*c*) of this subsection, the local authority concerned shall be the parish council.

(2) Notice shall, subject to regulations made by the Scotch Education Department, be given by the school board to the parish council and to the Board in the case of all defective children for whom the school board have made provision and whose discharge from a special school or class, or from an institution, or from guardianship is impending by reason of their attaining the age of sixteen, in whose case the school board are of opinion that it would be to their benefit that they should be sent to or remain in an institution or be placed or remain under guardianship.

Power to deal with defectives at instance or with consent of parent or guardian.

4.—(1) (*a*) The parent or guardian of a defective who is an idiot or imbecile, or the parent of a defective who, though not an idiot or an imbecile, is under the age of twenty-one; and

(*b*) the school board with the consent of the parent or guardian of a defective under the age of sixteen for whom it is the duty of the school board to make suitable provision; and

(*c*) the parish council with the consent of the parent or guardian of a defective under the age of sixteen for whom it is the duty of the parish council to make suitable provision, or of a defective of sixteen years or over, but under twenty-one years, in whose case notice has been given by the school board under the immediately preceding section;

may deal with such defective under this Act by placing him in an institution for defectives or under guardianship: Provided that he shall not be so placed except upon a certificate in writing (in the prescribed form) of two duly qualified medical practitioners, one of whom shall be a medical practitioner duly approved for the purpose by the Board or the local authority concerned (if any) stating that the person to whom the certificate relates is a defective and the class of defectives to which he belongs, accompanied by a statement, signed by the parent or guardian, giving the prescribed particulars with respect to him; and he shall not be so placed by his parent or guardian without the consent of the Board; and he shall not be so placed by a school board or a parish council unless by reason of the attendant expense he cannot be so placed except with their assistance.

(2) In this section "prescribed" means prescribed under regulations made by the Board with the approval of the Secretary for Scotland.

Power to deal with defectives otherwise.

5. A defective subject to be dealt with under this Act, and not so dealt with under the immediately preceding section, may so be dealt with—

(*a*) under an order made by the sheriff on a petition presented under this Act (herein-after referred to as a judicial order); or

(*b*) under an order of the Secretary for Scotland, in the case of a defective detained in a prison, criminal lunatic asylum or the criminal lunatic department of a prison, reformatory or industrial school, place of detention, or inebriate reformatory;

but no such order shall be made except in the circumstances and in the manner herein-after specified.

Requirements as to the making of Orders.

Presentation of petitions.

6.—(1) A judicial order under this Act shall be obtainable upon an application to the sheriff by petition made by any relative or person contributing towards the support of the alleged defective, or by the local authority concerned, or where, under the provision in this Act herein-after contained, a case has been reported to the procurator fiscal, by the procurator fiscal.

(2) Every petition shall be accompanied by two medical certificates, signed not more than one month previous to the presentation of the petition, and one of which shall be signed by a medical practitioner approved for the purpose by the Board, and, one of which shall, whenever practicable, be under the hand of the usual medical attendant, if any, of the alleged defective, and by a statutory declaration signed by or on behalf of the petitioner and by at least one other person (who may be one of the persons who gave a medical certificate) stating—

(*a*) that the person to whom the petition relates is a defective within the meaning of this Act, and the class of defectives to which he is alleged to belong; and

(*b*) that that person is subject to be dealt with under this Act, and the circumstances which render him so subject; and

(*c*) whether or not a petition under this section, or a petition for an order under the Lunacy Acts has previously been presented in relation to that person, and, if such a petition has been presented, the date thereof and the result of the proceedings thereon.

(3) If a petition (not being a petition presented by the local authority concerned) is not presented by a relative, it shall contain a statement of the reasons why the petition is not presented by a relative, and of the connexion of the petitioner with the person to whom the petition relates and the circumstances under which he presents the petition.

(4) Where the Board—

(*a*) are satisfied that the local authority concerned have refused or neglected to place in an institution or under guardianship any person (being a defective whose parent or guardian consents to his being so placed) whom they ought to have so placed; or

(*b*) are satisfied that a petition under this section ought to be presented in relation to any person, and that the local authority concerned have refused or neglected to cause a petition to be presented;

the Board may present a petition, in relation to any such person, and this section shall apply accordingly.

Procedure on presentation of petition.

7.—(1) Upon the presentation of the petition the sheriff shall, unless cause to the contrary shall be shown to his satisfaction, grant warrant to cite the person to whom the petition relates to appear personally to show cause why an order should not be made against him.

(2) The sheriff may, before disposing of the petition, adjourn the case for such time as he shall fix in order that evidence may be adduced or further information may be procured, and he may remit to any suitable person to make such enquiries as the sheriff shall direct and to report to the sheriff, or may remit to a suitable person to visit and examine the person to whom the petition relates, or to take evidence on commission, and may order the person to whom the petition relates to submit himself to medical examination; or the sheriff may himself visit the person or take such other means as he shall think appropriate, in order to satisfy himself as to the expediency of granting or refusing the petition.

(3) Proceedings before the sheriff may, in any case if the sheriff thinks fit, and shall, if so desired by the person to whom the petition relates, be conducted in private, and in that case no one except the petitioner, the person to whom the petition relates, his parents or guardian, and any two persons appointed for the purpose by the person to whom the petition relates, or by his parents or guardian, and the persons signing the medical certificates and the statutory declaration accompanying the petition shall, without leave of the sheriff, be allowed to be present.

(4) If the sheriff is satisfied that the person to whom the petition relates is a defective, and is also satisfied that he is subject to be dealt with under this Act, the sheriff may make an order either ordering him to be sent to an institution, or appointing a suitable person to be his guardian, and the order shall state the class of defectives to which he belongs, and the circumstances which render him subject to be dealt with under this Act: Provided that, where the petition is not presented by the parent or guardian, the order shall not be made without the consent of the parent or guardian unless the sheriff is satisfied

that the parent or guardian cannot be found or unless, in the opinion of the sheriff, such consent is unreasonably withheld, and the withholding of such consent is calculated to prejudice the best interests of the defective; and provided further that nothing in this section shall prevent an order being made, notwithstanding that the person to whom the petition relates does not appear to the sheriff to belong to the class of defectives to which he is in the petition alleged to belong.

(5) The sheriff shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction, and the same power as regards the summoning and examination of witnesses, the administration of oaths, the awarding of expenses, and otherwise as if he were acting in the exercise of his ordinary civil jurisdiction.

Variation orders.

8.—(1) Where an order has been made, either by a sheriff or otherwise, that a defective be placed under guardianship, the Board may, on application being made for the purpose by or on behalf of the defective or guardian or by the local authority concerned, and on being satisfied that the case is or has become one unsuitable for guardianship, order that the defective be sent to an institution.

(2) A person appointed to be guardian of a defective may, on the application of the local authority concerned or of any other person who appears to be interested, be removed from his office by the Board, and where a person appointed to be guardian of a defective dies, or resigns his office, or is removed from his office, the Board may, on the like application, appoint a suitable person to act in his stead.

(3) An order under this section shall not be made without giving to the local authority concerned, if any, and where practicable to the parent or guardian, or the relative or other person who presented the original petition, an opportunity of representing their view.

Procedure in cases of persons guilty of offences, &c. 8 Edw. 7. c. 58.

9.—(1) Where a person is charged with any offence punishable in the case of an adult with penal servitude or with imprisonment or where a child is brought before a court under section fifty-eight of the Children Act, 1908, and the court is of opinion that the charge is proved or that the child is liable to be sent to an industrial school, the court, if it appears to it that such person or child is a defective within the meaning of this Act may, without proceeding to convict or to make an order for committal to an industrial school, as the case may be, adjourn the proceedings and report the case to the local authority concerned or to the procurator fiscal with a view to the presentation of a petition by them or him for a judicial order under this Act, provided that for the purposes of this Act a person shall be deemed to be a person found guilty of an offence where the court is of opinion that the charge is proved.

(2) Where a court adjourns the proceedings under the provisions of the foregoing subsection, or remands or commits for trial any person or child who appears to the court to be a defective within the meaning of this Act, the court may, without prejudice to any other powers, order the person or child, pending further proceedings in the matter, to be detained in an institution for defectives, or to be placed under the guardianship of any person on his finding bail for the appearance of the person or child.

(3) Where it appears to the prosecutor or to the person bringing a child before a court under section fifty-eight of the Children Act, 1908, that the accused person or child, as the case may be, is a defective within the meaning of this Act, it shall be the duty of such prosecutor or person to bring before the court such evidence as may be available of the mental condition of such accused person or child.

Procedure in case of defectives undergoing imprisonment, &c.

10. Where the Secretary for Scotland is satisfied from the certificate of two duly qualified medical practitioners that any person who is undergoing a sentence of imprisonment (except imprisonment under civil process) or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school or in an inebriate reformatory, or who is detained in a criminal lunatic asylum, or the criminal lunatic department of a prison, is a defective, the Secretary for Scotland may order that he be transferred therefrom and sent to an institution for defectives, or that he be placed under guardianship, and any order so made shall have the like effect as a judicial order under this Act.

Effect and Duration of Orders, &c.

Effect of orders.

11.—(1) An order that a defective be sent to an institution shall authorise the conveyance of that person to and his reception in the institution mentioned in the order, at any time within fourteen days after the date of the order, and his detention in that institution for such period as is hereinafter mentioned, and he shall be liable to be detained in the institution accordingly.

(2) An order that a defective be placed under guardianship shall, subject to regulations made by the Secretary for Scotland, confer on the person named in the order as guardian such powers as would have been exerciseable if he had been the father of the defective and the defective had been under the age of fourteen, or, if a female, under the age of twelve, and the guardian shall also have power to warn persons against supplying intoxicants to him or for his use.

Duration of detention under orders.

12.—(1) An order made under this Act that a defective be sent to an institution or placed under guardianship shall expire at the end of one year from its date, unless continued in manner herein-after provided:

Provided that, in the case of any institution, the Board may fix four quarterly dates in each year and direct that orders that persons be sent thereto shall, unless continued as herein-after provided, expire at the quarterly date next after the day on which the orders would have expired under the above provision.

(2) An order shall remain in force for a year after the date when under the preceding provisions of this section it would have expired, and thereafter for successive periods of three years, if at that date and at the end of each period of one and three years respectively the Board, after considering such special report and certificate as is herein-after mentioned, and the means of care and supervision which would be available if he were discharged, intimate to the defective, and his parent or guardian, if any, or any other person who presented the original petition, and to any local authority concerned, that the continuance of the order is required in the interests of the defective:

Provided that, where a defective was, at the time of being sent to the institution or placed under guardianship, under twenty-one years of age, the case shall be reconsidered by the Board within three months after he attains the age of twenty-one years.

(3) On such consideration or reconsideration the Board, if it appears to them that further detention in an institution or under guardianship is no longer required in the interests of the defective, shall order him to be discharged:

Provided that, if the Board do not order his discharge, the defective or his parent or guardian or any other person who presented the original petition or the local authority concerned may, within fourteen days after intimation of the decision of the Board, appeal to the sheriff, who shall hold such inquiry and subject to the provisions of this Act shall dispose of the appeal by discharging the defective or otherwise as he shall think fit.

(4) The special report above mentioned shall be a special report as to the mental and bodily condition of the defective made, in the case of a person detained in an institution, by the medical officer of that institution, and in any other case by a duly qualified medical practitioner, and shall be accompanied by a certificate under his hand that the defective is still a proper person to be detained in an institution or under guardianship, and the person sending the special report shall give to the Board such further information concerning the defective to whom the special report relates as they may require.

(5) Notwithstanding anything in this section contained, an order made upon a petition presented by a school board shall cease to have effect when the defective attains the age of sixteen; but without prejudice to his being further dealt with as in this Act provided.

(6) A certificate under the hand of the secretary to the Board that an order has been continued to the date therein mentioned shall be sufficient evidence of the fact.

Duration of detention not under orders.

13.—(1) Where under this Act a defective has been placed by his parent or guardian in an institution or under guardianship, it shall be lawful for his parent or guardian to withdraw him from the institution or guardianship at any time on giving notice in writing for the purpose to the Board, unless the Board, after considering what means of care and supervision would be available if he were discharged, determine within fourteen days after receiving the notice that the further detention of the defective in the institution or under guardianship is required in the interests of the defective, and where the Board have so determined no further notice by the parent or guardian shall be allowed till after the expiration of one year from the last previous notice.

(2) Subject to the foregoing provisions of this section, a defective who under this Act has been placed by his parent or guardian, or by a parish council with the consent of his parent or guardian, in an institution or under guardianship may be detained in the institution or under guardianship, and the case shall be reconsidered by the Board at like intervals, and subject to the like right of appeal, as if he had been ordered to be sent to the institution or placed under guardianship, and the provisions of the last foregoing section shall apply accordingly.

(3) Where a defective has been placed by a school board in an institution or under guardianship with the consent of his parent or guardian, the authority for his detention shall cease when he attains the age of sixteen; but without prejudice to his being further dealt with as in this Act provided.

(4) The managers of any certified institution or house may discharge any defective placed there by his parent or guardian on giving one month's notice to the Board and to the parent or guardian of the defective, if known.

Supplemental.

Power to recover expenses.

14.—(1) Where an order that a defective be sent to an institution or be placed under guardianship has been made under this Act, whether by a sheriff or otherwise, any sheriff having jurisdiction may, on the application of the local authority concerned, or, where there is no local authority concerned, of the petitioner, or of the managers of the institution or the guardian, make an order requiring the defective, or any person liable to maintain him, to contribute such sum towards the expenses of his maintenance in the institution, or of his guardianship, and any charges incidental thereto, including the expenses, in the event of his death in the institution, of his funeral, as, having

regard to the ability of the defective or person liable to maintain him, seems reasonable.

(2) Any such order may be enforced against any property of the defective or person liable to maintain him in the same way as if it were a decree in the sheriff small debt court.

(3) An order made under this section may be varied or revoked by any sheriff having jurisdiction.

Power to remove to place of safety pending presentation of petition.

15.—(1) If any officer of the local authority concerned, authorised in that behalf, or any constable finds neglected, abandoned, or without visible means of support, or cruelly treated any person whom he has reasonable cause to believe to be a defective, he may take such person to a place of safety, and such person may be there detained until a petition under this Act can be presented.

(2) If it appears to the sheriff on information on oath laid by an officer of, or any person authorised by, the local authority concerned that there is reasonable cause to believe that a defective is neglected, abandoned, or cruelly treated in any place within the sheriff's jurisdiction, the sheriff may issue a warrant authorising any constable named therein, accompanied by the medical officer of the local authority concerned or any other duly qualified medical practitioner named in the warrant, to search for such person, and if they find that he is neglected or cruelly treated, and is apparently defective, to take him to and place him in a place of safety until a petition can be presented under this Act, and any constable authorised by such warrant may enter, and if need be by force, any house, building, or other place specified in the warrant, and may remove such person therefrom.

(3) Where the place to which such a person is taken is a poorhouse, the governor shall receive him into the poorhouse if there is suitable accommodation therein, and any expenses incurred in respect of him shall be defrayed by the local authority concerned, but shall, if an order is eventually made, be recoverable from the defective or any person liable to maintain him, as if they were part of the expenses of his maintenance.

Transfers from institutions for defectives to institutions for lunatics and vice versâ.

16.—(1) Where the mental condition of a person detained in an institution for defectives becomes or is found to be such that he ought to be transferred to an asylum or other lawful place of detention for lunatics, the Board, or the managers of the institution for defectives with the consent of the Board, may cause such steps to be taken as may be necessary for having a sheriff's order under the Lunacy Acts made in respect of him and for his removal to such place: Provided that, where such person has been placed in the institution by his parent or

guardian, the Board or managers, as the case may be, shall not cause such steps to be taken until, where practicable, they have communicated with the parent or guardian and given such parent or guardian an opportunity of taking them himself.

(2) Where the mental condition of a person detained in an asylum, or other lawful place of detention for lunatics is found to be such that he ought to be transferred to an institution for defectives, the Board, or the managers of such asylum or place, with the consent of the Board, may cause such steps to be taken as may be necessary for having an order that he be sent to an institution for defectives made under this Act in respect of him and for his removal to such institution.

(3) The Board may, subject to the approval of the Secretary for Scotland, make regulations for carrying this section into effect.

Provisions as to religious persuasion.

17.—(1) The sheriff or the Secretary for Scotland, in determining the institution to which a defective is to be sent under an order, shall endeavour to ascertain the religious persuasion to which the defective belongs, and the order shall, where practicable, specify the religious persuasion to which he appears to belong, and an institution conducted in accordance with that persuasion shall, where practicable, be selected.

(2) A minister of the religious persuasion specified in the order as that to which the defective appears to belong may visit the defective at the institution on such days, at such times, and on such conditions as may be fixed by the Board for the purpose of affording religious assistance and also for the purpose of instructing him in the principles of his religion.

(3) Where a defective is sent to an institution which is not conducted in accordance with the religious persuasion to which the defective belongs, the defective shall not be compelled to receive religious instruction or religious ministrations which are not in accordance with his religious persuasion, but shall, as far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with his religious persuasion.

(4) Where an order is made for sending a defective to an institution which is not conducted in accordance with the religious persuasion to which he belongs, the nearest adult relative or, in the case of a child, his guardian or person entitled to his custody, may apply to the Board to remove or send the defective to an institution conducted in accordance with the defective's religious persuasion, and the Board shall, on proof of the defective's religious persuasion, comply with the request of the applicant; provided that the applicant must show to the satisfaction of the Board that the managers of the institution named by him are willing to receive the defective, and that the institution is one suitable to the case.

Regulations as to forms, &c.

18. The Board may, with the approval of the Secretary for Scotland, make regulations with respect to—

(*a*) the proceedings on the reconsideration by the Board of the cases of defectives on their attaining the age of twenty-one; and

(*b*) the forms of statutory declarations, certificates, orders, and other documents required for the purposes of this Part of this Act.

Part II.

General Board of Control and District Boards of Control.

General Board of Control.

Establishment of General Board of Control.

19.—(1) The General Board of Commissioners in Lunacy for Scotland shall be reconstructed subject to the provisions of this Act and shall, as from the fifteenth day of May in the year nineteen hundred and fourteen, be designated the General Board of Control for Scotland, and the Members shall be designated Commissioners of the General Board of Control for Scotland. The Board shall adopt an official seal, and describe themselves generally by the style and title of the General Board of Control for Scotland, with power to sue and be sued in that name, and to make rules, subject to the approval of the Secretary for Scotland, for conducting the business of the Board:

Provided that, except in so far as otherwise directed by this Act or inconsistent therewith, all the provisions of the Lunacy Acts with regard to the constitution and meetings of the General Board of Commissioners in Lunacy aforesaid, and the powers, duties, and privileges of that Board and of the Commissioners and Deputy Commissioners in Lunacy for Scotland, shall apply and have effect with regard to the General Board of Control and the Commissioners and Deputy Commissioners of the General Board of Control for Scotland respectively; and the Chairman and Commissioners and Deputy Commissioners of the General Board of Commissioners in Lunacy shall respectively as from the day aforesaid be the Chairman and Commissioners and Deputy Commissioners of the General Board of Control.

(2) In addition to the two paid Commissioners, for whose appointment provision is made by the Lunacy Acts, there may be appointed by His Majesty on the recommendation of the Secretary for Scotland, at any time after the passing of this Act, a third paid Commissioner, who shall be a duly qualified medical practitioner; and thereafter references in the Lunacy Acts to the two paid Commissioners shall be construed as references to the three paid Commissioners, and, notwithstanding anything in the Lunacy Acts contained, it shall be lawful for the Secretary

for Scotland to regulate the duties of the paid Commissioners or any one or more of them.

(3) In addition to the two Deputy Commissioners for whose appointment provision is made in the Lunacy Acts, the Secretary for Scotland, with the approval of the Treasury, may, at any time after the passing of this Act, and from time to time appoint not more than four duly qualified medical practitioners to be Deputy Commissioners of the Board, of whom at least one shall be a woman.

(4) Notwithstanding anything contained in the Lunacy Acts, there shall be paid to the paid Commissioners and to the Deputy Commissioners of the Board such salaries as the Secretary for Scotland, with the consent of the Treasury, may determine.

(5) In the construction and for the purposes of any Act of Parliament contract or other deed passed, entered into, or executed, or of any action or proceeding raised before the day aforesaid the name of the Board shall be deemed to be substituted for the General Board of Commissioners in Lunacy for Scotland, and, except so far as inconsistent with this Act, any act or thing which, if this Act had not been passed, might have been done by the General Board of Commissioners in Lunacy for Scotland may be done by the Board.

(6) As from the day aforesaid the existing staff of the General Board of Commissioners in Lunacy for Scotland shall be transferred to and become members of the staff of the Board, but without prejudice to the rights of any existing members of such staff.

Disqualifications.

20.—(1) A person shall not be qualified to be a Commissioner or Deputy Commissioner, or an inspector, secretary, or officer of the Board, if he is directly or indirectly interested in any certified institution or house for defectives under this Act, or in any establishment or house where a lunatic or lunatics are received under the Lunacy Acts, and any Commissioner, Deputy Commissioner, inspector, secretary, or officer who becomes so interested shall be disqualified to hold office.

(2) If any person holding any such office as aforesaid acts when he is disqualified under the provision of this section he shall be guilty of an offence punishable by fine or by imprisonment for a term not exceeding two years.

Expenses of central authorities.

21. The salaries or other remuneration of the Commissioners, Deputy Commissioners, and the officers of the Board, and any other expenses incurred by the Secretary for Scotland, the Board, or the Prison Commissioners for Scotland in carrying this Act into effect, to such an amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

District Boards of Control.

Constitution of district boards of control.

22.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen a district board of lunacy shall cease to be so called, and shall be designated a district board of control.

(2) The Board may, by regulation, from time to time alter the number of members of district boards, and make provision as may be necessary for all matters arising out of or connected with such alteration, including provision for varying existing enactments as to the representation of any authority on a district board (not being the district board of a single parish) and any consequential provision, so far as such variation is necessary to meet the circumstances of any district where, owing to the number of authorities, difficulty would arise in constituting a district board.

(3) One-third as nearly as may be of the total number of members of a district board (not being the district board of a single parish) shall be elected annually by the chairmen of parish councils of parishes within the district in accordance with regulations prescribed by the Board, and from and after the date named in such regulations.

(4) A regulation under this section shall not take effect until approved by the Secretary for Scotland.

(5) Nothing in this section contained shall authorise the Board to make provision for the representation on a district board of any authorities other than county councils, town councils, or parish councils, or to vary the proportion of the members to be elected by chairmen of parish councils.

(6) Nothing in any statute contained shall operate to prevent the election to a district board, if the authority having the right to elect so determine, of persons who are not members of that authority.

(7) If a district board as constituted in pursuance of this section contains no women, the district board shall co-opt not more than two women to be members of the board, and the number of the board shall be increased accordingly.

(8) The disqualifications for membership of a county council prescribed by section nine of the Local Government (Scotland) Act, 1889, shall, with the necessary variations, apply as disqualifications for membership of a district board, not being the district board of a single parish.

52 & 53 Vict. c. 50.

Substitution of district boards of control for district boards of lunacy.

23.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen, except so far as varied by or inconsistent with the provisions of this Act, all enactments regulating the constitution and election of district boards of lunacy, and otherwise relating to such boards, and every reference in any Act of Parliament, deed, instrument, or order to a district board of lunacy constituted under the law in force at the passing of this Act, shall be read and construed as referring to a district board of control.

(2) Subject to the provisions of this Act, a district board of control shall come in place of and be deemed to be a continuance of the district board of lunacy in existence in a lunacy district at the passing of this Act, and a district board of control shall have and may exercise all the powers and duties and shall be subject to all the liabilities of a district board of lunacy; and the officers of a district board of lunacy shall become the officers of the district board of control; and all property belonging to or vested in or held in trust for a district board of lunacy shall pass to and vest in and be held in trust for the district board of control subject to all debts and liabilities affecting the same, and shall be held by the district board of control for the same purposes for which it was held by the district board of lunacy.

PART III.

POWERS OF GENERAL AND DISTRICT BOARDS, CERTIFICATION AND PROVISION OF INSTITUTIONS FOR DEFECTIVES, &C.

Board to exercise general superintendence of defectives.

24. The General Board of Control, in addition to the other duties devolving on them under the Lunacy Acts and this Act, shall, subject to the provisions of this Act, be charged with the general superintendence of matters relating to the supervision, protection, and control of defectives.

General powers and duties of Board as to defectives.

25.—(1) Subject to regulations made by the Secretary for Scotland, the Board shall—

(*a*) exercise general supervision, protection, and control over defectives;

(*b*) co-ordinate and supervise the administration by school boards, parish councils, and district boards of their powers and duties in regard to defectives under this Act;

(*c*) certify, approve, supervise, and inspect institutions and houses for defectives, and private dwellings for the reception of defectives under guardianship, and all arrangements made for the care and control of defectives therein;

(*d*) visit, either through one or more Commissioners or through Deputy Commissioners or inspectors, defectives in institutions and certified houses, or under guardianship, or (with a view to their certification) elsewhere, and persons who have been placed under the care of any person as being defectives;

(*e*) take such part in the provision, maintenance and management of institutions for defectives of criminal, dangerous, or violent propensities as this Act requires;

(*f*) take such steps as may be necessary for ensuring suitable treatment of cases of mental deficiency;

(*g*) make annual reports and such special reports as the Secretary for Scotland may from time to time require ;

(*h*) administer grants made out of money provided by Parliament under this Act, if so required by the conditions of the grants.

(2) Without prejudice to their powers and duties under any regulations which the Secretary for Scotland may make for further or more frequent inspection and visitation, it shall be the duty of the Board, through one or more Commissioners or Deputy Commissioners or inspectors, to inspect every certified institution and certified house for defectives, and to visit every defective under guardianship, at least twice in every year, and the Board shall have power to discharge at any time any person detained as a defective in a certified institution or certified house or under guardianship under this Act, and where they are of opinion that any such person is not, or is no longer, a defective, shall take such steps as may be necessary to secure the discharge of such person without any unnecessary delay :

Provided that no power of discharge conferred on the Board or the sheriff by this Act shall be exercised without the consent of the Secretary for Scotland in the case of a person sent to such an institution or placed under guardianship by order of the Secretary for Scotland from a prison, criminal lunatic asylum, place of detention, reformatory or industrial school, or inebriate reformatory, so long as the term for which he was committed to the prison or other place from which he was transferred remains unexpired.

General powers and duties of district boards in regard to defectives.

26. In addition to the existing powers and duties of a district lunacy board, a district board of control are hereby empowered, and it shall be their duty, subject to the provisions of this Act and to regulations made by the Board, with the approval of the Secretary for Scotland,—

(*a*) to provide suitable and sufficient accommodation for defectives when sent to certified institutions by orders under this Act or by school boards or parish councils within the district with consent of parents or guardians, to contribute towards the expenses of maintenance in an institution of defectives so sent, and to provide for the conveyance of such persons to and from such institutions, to the extent hereinafter provided ;

(*b*) to contribute towards the expenses of maintenance of defectives placed under guardianship by orders under this Act or by school boards or parish councils within the district, with consent of parents or guardians, and to provide for the conveyance of such persons to or from guardianship, to the extent herein-after provided ; and

(*c*) to make to the Board such reports as the Board may require :

Provided that nothing in this Act relating to defectives shall derogate from or diminish the powers of school boards under the Education of Defective Children (Scotland) Act, 1906, as read with the Education (Scotland) Act, 1908, or the powers and duties of district boards under the Lunacy Acts, with respect to any defectives who may be dealt with under those Acts, nor shall district boards have any duties or powers under this Act with respect to defectives who for the time being are, or who might be, provided for under the Lunacy Acts except to such extent as may be prescribed by regulations made by the Board with the approval of the Secretary for Scotland:

Provided also that nothing in this Act shall be construed as imposing any obligation on a district board of control, or a parish council, or a school board, to contribute towards the maintenance of defectives in institutions or under guardianship, where the contribution out of moneys provided by Parliament under this Act is less than one-half of the net amount (as approved by the Board) of the cost of maintenance of the said defectives, or of the annual expenditure on providing institutions for defectives, as the case may be, including in such expenditure any expenditure out of income by the district board by way of interest on or repayment of capital raised, or by way of rent or other similar payment for the purposes of the provision of the institution.

Expenses of maintaining defectives for whom school boards or parish councils are responsible.

27.—(1) A school board or a parish council shall account annually to the district board in respect of each defective for whom they are responsible as the local authority concerned, and who is placed by them respectively in an institution for defectives or under guardianship, with consent of parents or guardians, or is so placed by order under this Act, for all contributions received by them (whether under an order or otherwise) in respect of the defective from the defective or his parent or guardian, or otherwise on his account; and shall also pay annually to the district board in respect of each defective as aforesaid a sum equal as nearly as may be to one-half of the cost of maintenance as hereinafter defined; and such last-mentioned payment shall be charged to the school fund or the poor rate as the case may be. Such payments shall be made by periodical instalments or otherwise in accordance with regulations prescribed by the Board.

(2) The balance of the cost of maintenance, and the expense of providing the institution as hereinafter defined, shall be paid by the district board in accordance with regulations prescribed by the Board, and such payments shall be charged to the assessment authorised under the Lunacy Acts and this Act.

(3) In this section the expression "cost of maintenance" means the annual expense incurred in maintaining a defective of the class dealt with, at rates fixed with the approval of the Board, in an institution for defectives or under guardianship,

as the case may be, including the expense of certification and (where required) of obtaining a judicial order, and the expense of conveying the defective to or from an institution or to or from guardianship (but not including the expense of providing the institution) after deducting all contributions as aforesaid made in respect of the defective by the defective or his parent or guardian, or otherwise on his account, or out of moneys provided by Parliament; and the expression "expense of providing the institution" means, in the case of an institution for defectives provided by the district board, the like expenses in relation to such institution as are specified in section fifty-four of the Lunacy (Scotland) Act, 1857, in relation to a district asylum, and means, in the case of an institution which is not provided by the district board, such payment for each defective of the class dealt with in respect of the like expenses as the Board may approve with consent of the managers of the institution. 20 & 21 Vict. c. 71.

(4) Nothing in this section contained shall require or authorise a school board, parish council, or district board to incur any liability or make any payment in respect of a defective placed or to be placed in an institution or under guardianship by order under this Act, where the defective or any person on his behalf is willing to incur such liability or make such payment.

State institutions.

28.—(1) The Secretary for Scotland may grant authority to establish and maintain an institution or institutions for defectives of dangerous or violent propensities (in this Act referred to as State institutions), and for that purpose may appropriate the whole or any part of any building vested in the Prison Commissioners for Scotland (hereinafter referred to as the Prison Commissioners) or may, with the approval of the Treasury, authorise the Prison Commissioners to acquire any land or to erect or acquire any building.

(2) The management of a State institution for defectives shall be vested in the Prison Commissioners and two of the paid Commissioners of the Board as a Joint Board, subject to regulations made by the Secretary for Scotland, and for the purposes of this Act the Joint Board shall be deemed to be the managers.

Certified institutions.

29.—(1) The Board may, upon the application of the managers of premises intended for the reception, control, care, and treatment of defectives, if satisfied of the fitness of the premises and of the persons proposing to maintain them for such purposes, grant a certificate to the managers to receive defectives therein, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this Act, and an institution so certified is in this Act referred to as a certified institution.

(2) Any institution for the care and training of imbecile children which at the commencement of this Act is licensed

25 & 26 Vict. c. 54.

under section seven of the Lunacy (Scotland) Act, 1862, shall without certification become a certified institution for defectives under this Act unless and in so far as upon the application of the managers it may be certified under this Act as a certified house; and any person who immediately before the commencement of this Act is detained in such an institution may, after such commencement, continue to be detained therein in like manner and subject to the like conditions as prior to such commencement.

(3) The managers of an institution (not being a certified institution provided for their district by a district board) shall not be bound to receive any defective whom they have not expressed their willingness to receive.

Power of district board to establish or contribute to institutions, &c.

30.—(1) A district board may, subject to the approval of the Board and of the Secretary for Scotland—

(*a*) undertake or combine with any other district board in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the establishment, building, alteration, enlargement, rebuilding, or management of institutions certified or intended to be certified as institutions for defectives under this Act or the purchase of any land required for the use of a certified institution or for the site of an institution intended to be certified under this Act; and

(*b*) contract with the managers of any certified institution for defectives for the reception and maintenance in the institution of persons for whose reception and maintenance the district board are by this Act required or authorised to make provision.

(2) The expenses incurred by a district board under this section shall, subject to the provisions of this Act, be charged to the assessment authorised under the Lunacy Acts and this Act.

Regulations as to management of institutions for defectives, &c.

31. The Board, with the approval of the Secretary for Scotland, may make regulations as to—

(*a*) the granting, transfer, renewal, revocation, and resignation of certificates for institutions;

(*b*) the management of institutions, the number of patients to be received therein, the number of private patients (if any) to be received in institutions provided by a district board, and the conditions under which they may be received;

(*c*) the staff of institutions and of the different grades thereof in proportion to the number of patients therein, their remuneration, and the regulation of their hours and duties;

(*d*) the classification and treatment of patients in institutions, their instruction, and their employment in suitable occupations, and the reports to be made as to their mental condition and otherwise in respect to them;

(*e*) the inspection of institutions and the visitation of patients therein by the Board and Deputy Commissioners and other persons;

(*f*) the notification to the Board of the admission of a patient to an institution or under guardianship;

(*g*) the transfer of patients from one certified institution to another, and from a State institution to a certified institution, and, in special cases, from a certified institution to a State institution;

(*h*) the discharge of patients from institutions;

(*i*) the absence of patients from institutions under licence or temporarily without licence;

(*j*) the notifications to be made by the managers in the event of the outbreak of an infectious disease in an institution and in the event of the death of a patient in an institution or absent therefrom under licence;

(*k*) the conveyance of persons to and from institutions or under guardianship;

(*l*) the powers and duties of persons appointed guardians of defectives under this Act; the reports to be made by such guardians as to defectives under their guardianship; the visitation of such defectives; and their discharge from guardianship;

(*m*) the granting, renewal, and revocation of licences for private dwellings for the reception of defectives under guardianship or otherwise, and the number to be received in any such dwelling;

(*n*) the holding of inquiries;

(*o*) any other matter necessary or proper for the carrying into effect of the provisions of this Act with respect to institutions, and the inmates thereof, and to guardianship; and

(*p*) the application, as respects defectives, of any of the provisions of the Lunacy Acts for the greater protection of lunatics, subject to the necessary modifications and adaptations.

Apprehension of defectives escaping.

32. If a patient in an institution for defectives, or absent from such an institution under licence or without a licence, or any person under guardianship as a defective escapes, he may at any time within three months thereafter be apprehended without warrant by any constable or by the managers of the institution or guardian or any person authorised by them in writing, and brought back to the institution or other place of safety or under guardianship.

Ascertainment of local authority responsible for providing accommodation, &c.

33.—(1) Where a defective is ordered to be sent to a certified institution or to be placed under guardianship, the local authority concerned shall be the school board of the school district or the parish council of the parish, as the case may be, in which the defective resided (to be specified in the order); and the district board responsible for providing accommodation or contributing to the expenses of maintenance shall be the district board of the lunacy district in which such school district or parish is comprised.

(2) An order that a defective be sent to an institution or placed under guardianship shall not, where a school board or parish council will, by virtue of this Act, incur liabilities on account of the defective, be made unless that board or council have been given an opportunity of being heard, or, if the order is made by the Secretary for Scotland, of making representations to him.

Determination of residence.

34.—(1) Where the order is made in respect of a person found guilty of an offence, that person shall for the purposes of the foregoing section be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place:

Provided that, where the finding has been in respect of more than one offence, the presumption shall arise in respect of the offence which is first in point of date:

Provided further that, before such order is made, notice shall be given to the parish council of the parish and the district board of the district in which the offence has been committed.

(2) Where the order is made by the Secretary for Scotland then—

(*a*) if the order is in respect of a person in a prison, criminal lunatic asylum or department, inebriate reformatory or place of detention, that person shall, for the purposes of the foregoing section, be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place;

(*b*) if the order is in respect of a person in a reformatory or industrial school, that person shall for the purposes of the foregoing section be deemed to have resided in the place (if any) determined to have been his place of residence for the purposes of his committal to the reformatory or industrial school.

Legal settlement to determine liability.

35.—(1) Where a parish council or a school board making any payment on account of a defective in pursuance of this Act, or of an order thereunder, is not the parish council or

school board of the parish in which the defective has his legal settlement for poor law purposes—

(1) the first-mentioned parish council or school board shall be entitled to reimbursement in respect of any such payment from the parish council or school board, as the case may be, of the parish in which such defective has his legal settlement; and

(2) if the first-mentioned parish council or school board establishes a claim for reimbursement as aforesaid, the district board of the district in which its area is comprised shall be entitled to the like reimbursement in respect of any payment made by that board on account of such defective from the district board of the district comprising the parish of legal settlement:

Provided that no liability to reimburse under this section shall accrue unless written notice claiming reimbursement shall have been given by the first-mentioned parish council or school board or in respect of any period prior to the date of such notice; and provided further that nothing herein contained shall be deemed to constitute the reimbursing authority the local authority concerned under this Act.

(2) Where this or any other statutory provision confers upon a school board a right to relief or reimbursement as against the school board of the parish of legal settlement of any person, and there is no school district coterminous with the parish of legal settlement, the school board of the school district comprising that part of the parish of legal settlement in which the birth or residence determining the settlement took place shall be liable, except where the settlement has been acquired by residence within the districts of different school boards within the parish, in which case such school boards shall be jointly liable in such proportions as, failing agreement, shall be determined by the Local Government Board for Scotland, whose determination shall be final.

(3) In any case where parish councils or school boards differ as to the legal settlement of a defective, but are agreed as to the facts on which such settlement depends, it shall be lawful for them to refer the case for determination by the Local Government Board for Scotland, whose determination shall be final.

Superannuation of officers. 9 Edw. 7. c. 48.

36.—(1) The Asylums Officers' Superannuation Act, 1909, shall apply to officers of certified institutions for defectives provided by district boards with such adaptations and modifications as the Secretary for Scotland may by order prescribe, and in particular such modifications shall include the alteration of—

(*a*) the classes of officers entitled to superannuation allowances;

(*b*) the periods of service entitling to superannuation allowances;

(*c*) the scale of superannuation allowances and gratuities; and

(*d*) the scale of contributions (if any)—;

so as to provide for such officers as may appear entitled thereto superannuation terms as nearly as may be equivalent to those allowed under the Acts and rules relating to His Majesty's Civil Service.

(2) An order under this section shall make provision for admitting as pensionable service for the purposes of this section any service which is admitted as pensionable for the purposes of the Asylums Officers' Superannuation Act, 1909, including provision for applying section twelve of the said Act.

Contributions by the Treasury.

37. There shall be paid out of money provided by Parliament such sums on such conditions as the Secretary for Scotland may, with the approval of the Treasury, recommend towards the expenses of any persons detained in certified institutions or placed under guardianship as defectives, including the expenses of removal in the case of any such person ordered to be transferred from one such institution or guardian to another, and towards other expenses incurred by local authorities under this Act:

Provided that, unless Parliament otherwise determines, the aggregate amount so paid in any financial year shall not exceed twenty thousand pounds, but for the purpose of this limitation there shall be excluded all sums paid towards the expenses of persons sent to such institutions or placed under guardianship—

(*a*) by order of the Secretary for Scotland;

(*b*) under a judicial order after having been found guilty of an offence, or having been ordered or found liable to be ordered to be sent to an industrial school.

Treasury contributions towards expenses of societies assisting defectives.

38. Where a society has undertaken the duty of assisting or supervising defectives whilst not in institutions under this Act, there may be paid to the society out of money provided by Parliament towards the expenses of the society in connexion with such persons such sums and on such conditions as the Secretary for Scotland, with the approval of the Treasury, may recommend.

Provisions as to certified houses.

39.—(1) A person desirous of receiving defectives at his house for private profit may apply to the Board for a certificate, and the Board, if satisfied of the fitness of the premises and of the applicant, may, if they think fit, on payment by the applicant of the prescribed fee, which shall not exceed ten pounds, grant a certificate to the applicant subject to conditions prescribed by regulations made by the Board under this Act, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this

Act, and a house in respect of which such a certificate has been granted is in this Act referred to as a certified house, and the person to whom such a certificate is granted is referred to as the owner of such house.

(2) Any defective who may be ordered to be sent to, or may be placed in, an institution under this Act may be ordered to be sent to, or may be placed in, a certified house, and all the provisions of this Act relating to institutions for defectives and the patients therein shall, unless the contrary intention appears, apply to certified houses for defectives and the patients therein:

Provided that—

(*a*) no part of the money provided by Parliament under this Act shall be applied towards the expenses of defectives in certified houses; and

(*b*) a school board, parish council, or district board shall have no power or duty to contribute towards the expenses of defectives ordered to be sent to, or placed in, a certified house or to provide for their conveyance to, and reception and maintenance in, a certified house; and

(*c*) the provisions of this Act with respect to the recovery from defectives or the persons liable to maintain them of contributions towards the expenses of their maintenance shall not apply in the case of defectives in, or ordered to be sent to, certified houses; and

(*d*) A special report under section twelve of this Act as to the mental and bodily condition of a defective detained in a certified house shall not be made by the medical officer of the house or by any medical practitioner directly or indirectly interested in the house.

Visits to defectives.

40. The nearest adult relative or the guardian of a defective in any institution or under guardianship under this Act shall be entitled to visit the defective, at such times, on such conditions, and at such intervals, not exceeding six months, as may be prescribed by the Board, unless, in view of his character and antecedents, the Board think that his visits would not be in the interests of the defective; provided that nothing herein contained shall be construed as limiting any power to grant further facilities for visits to defectives.

Special provision for Dumfries district. 20 & 21 Vict. c. 71.

41.—(1) Without prejudice to their obligation under and in terms of section sixty of the Lunacy (Scotland) Act, 1857, the directors of the Crichton Royal Institution at Dumfries shall provide to the satisfaction of the Board, either in the Crichton Royal Institution or elsewhere, duly certified accommodation for all defectives who may be sent to a certified institution (other

than defectives of criminal propensities and defectives of less than sixteen years of age) for whom parish councils or school boards in the counties of Dumfries, Kirkcudbright, and Wigtown, are responsible as the local authorities concerned, and for whom the district board of the Dumfries district may desire the said directors to provide accommodation.

(2) In respect of each defective for whom accommodation is so desired and provided the said district board shall pay to the said directors the cost of maintenance of such defective as approved by the Board, and if any difference as to the application of this provision to any defective, or as to the amount of the cost of maintenance, or otherwise as to the interpretation of this section, shall arise between the said district board and the said directors it shall be determined by the Board.

(3) If at any time after the commencement of this Act the total accommodation provided by the said directors for pauper lunatics and defectives is in excess of the accommodation appropriated to pauper lunatics in the Crichton Royal Institution at the passing of this Act (the amount of which shall be deemed to be four hundred beds) they may apply to the said district board to make such payments as the said directors and the said district board shall agree to be equitable towards the cost of providing duly certified accommodation for defectives, such payments in no case to exceed those which would have been exigible for providing such accommodation wholly at the Crichton Royal Institution.

(4) If the said directors and the said district Board fail to agree, the directors may apply to the Board to determine, after hearing parties appearing to have an interest who desire to be heard, whether any such payments should be made and the amounts thereof; and, without prejudice to any other power or duty vested in or imposed on them by this Act, it shall be lawful for and incumbent on the said district board to pay out of the assessment authorised by the Lunacy Acts and this Act any sums so fixed by agreement between them and the said directors or so determined by the Board.

Special provision for parish of Greenock.

42. For the purposes of this Act so far as relating to defectives, the parish of Greenock shall be deemed to be a lunacy district and the parish council to be a district board, subject to such conditions or restrictions as the Board may, with the approval of the Secretary for Scotland, prescribe at any time after the passing of this Act, and, subject as aforesaid, the parish council shall have the same power of assessment for such purposes as they have for the purpose of defraying expenses under the Lunacy Acts: Provided that nothing herein contained shall prejudice or affect the power of the Board to appoint the parish council to be the district board for all purposes under the Lunacy Acts.

Part IV.

Offences, Legal Proceedings, &c. as to Defectives.

Offence of supplying intoxicants contrary to warning.

43. If any person, having been warned by a person appointed to be a guardian of a defective under this Act, or by a person under whose charge a patient absent from an institution or from a certified house has been placed, not to supply intoxicants to or for the use of the person under his guardianship or charge, knowingly supplies any intoxicants to or for the use of that person, he shall be guilty of an offence under this Act:

Provided that a person shall not be guilty of the offence of supplying intoxicants in contravention of the warning if the person giving the warning refuses, when required so to do, to produce the order under which he has been appointed a guardian, or by which the patient has been placed under his charge.

Offences in relation to institutions, &c.

44. If any person induces or knowingly assists a patient in an institution, or a person allowed out from such an institution, either on licence or without a licence, or a person in a place of safety or under guardianship under this Act, to escape or to break any conditions of his guardianship or licence, he shall be guilty of an offence under this Act.

Ill-treatment.

45. If any superintendent, officer, nurse, attendant, servant, or other person employed in an institution or certified house, or any person having charge of a defective, whether by reason of any contract, or of any tie of relationship, or marriage, or otherwise, illtreats or wilfully neglects the defective, he shall be guilty of a crime and offence.

Protection of defectives from acts of sexual immorality, procuration, &c.

46.—(1) Any person—

(*a*) who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any woman or girl who is a defective under care or treatment in an institution or certified house, or placed out on licence therefrom or under guardianship under this Act, under circumstances which do not amount to rape but which prove that the offender knew at the time of the commission of the offence that the woman or girl was under such care or treatment or so placed out or under guardianship; or

(*b*) who procures, or attempts to procure, any woman or girl who is a defective to have unlawful carnal connection, whether within or without the King's dominions, with any other person or persons; or

(*c*) who, having the custody, charge, or care of any woman or girl who is a defective, causes or encourages her prostitution, whether within or without the King's dominions; or

(*d*) who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman or girl who is a defective to resort to

or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally; or

(*e*) who, with intent that any woman or girl who is a defective should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, takes or causes to be taken such woman or girl out of the possession and against the will of her parent or any other person having the lawful care or charge of her;

shall be guilty of a crime and offence and shall be liable upon conviction on indictment to be imprisoned, with or without hard labour, for any term not exceeding two years.

48 & 49 Vict. c. 69.

(2) Section ten of the Criminal Law Amendment Act, 1885, shall apply in the case of a woman or girl who is a defective in the same manner as it applies in the case of a girl who is under the age of sixteen years.

61 & 62 Vict. c. 36.

(3) Section four of the Criminal Evidence Act, 1898, shall have effect as if this section of this Act were included in the schedule to that Act.

(4) If on the trial of an indictment for rape the jury are satisfied that the accused is guilty of an offence under paragraph (*a*) of subsection (1) of this section, but are not satisfied that he is guilty of rape, the jury may acquit him of rape and find him guilty of such offence as aforesaid, and in that event he shall be liable to be punished as if he had been convicted on an indictment for such offence as aforesaid.

Penalty for breach of regulations.

47. If any person is guilty of a breach of any regulation made under this Act he shall be liable on summary conviction to a penalty not exceeding such as may be prescribed as respects such a breach by the regulations, but the maximum penalty imposed by the regulations in respect of any breach shall not exceed imprisonment, with or without hard labour, for a term of three months or a fine of fifty pounds.

Power of officers, &c., for the purposes of arrest.

48. The managers of an institution and the owner of a certified house for defectives and every officer of such institution or house authorised in writing by the managers or owner, and the guardian of a defective placed under guardianship shall, for the purpose of conveying a person to or from the institution or house or to or from guardianship, or of apprehending and bringing him back to the institution or house or to guardianship in case of his escape or refusal to return, and while engaged in that duty, have all the powers, protections, and privileges of a constable.

Computation of time for purposes of settlement.

49. The time during which a defective is detained in an institution or under guardianship under this Act shall for all purposes be excluded in the computation of time for the purpose of ascertaining the settlement of any pauper.

Provisions against disfranchisement, &c.

50. The maintenance in an institution or under guardianship under this Act of any person for whose maintenance any other person is responsible shall not deprive that other person of any franchise, right, or privilege, or subject him to any disability.

Part V.

Amendment of Lunacy Law.

Plans to be approved by Board.

51. Plans, specifications, and estimates of all public and private asylums, and lunatic wards of poorhouses shall be transmitted to the Board when called for, and no such asylum or lunatic ward shall be erected, added to, or altered, except on sites and in accordance with plans approved by the Board: Provided that, in the case of a public asylum, this section shall only apply when the ward or dormitory accommodation for patients is directly affected by the proposed erection, addition, or alteration.

Power of Board to fix number of patients to be received.

52. It shall be lawful for the Board from time to time, if they shall see fit, to fix the number of patients who may be received into or detained in any public or district asylum and also, if they shall see fit, the numbers of private and pauper patients respectively who may be so received, and no greater number of patients or of private or pauper patients respectively than the number or numbers so fixed shall be received without the special sanction of the Board, and private or pauper patients received in excess of such fixed number or numbers, without such special sanction, shall not (unless the Board otherwise order) be deemed to be legally received.

Reception of private patients into district asylums.

53.—(1) Private patients in district asylums shall be removed therefrom by their relatives or others responsible for their maintenance upon the demand of the district board; provided that patients having a presumptive settlement in any parish of the district shall not be liable to be removed therefrom upon the sole ground that the beds occupied by them are required for the use of pauper patients, and provided also that any dispute arising in reference to such demand for removal shall be submitted to the Board, who may order the patient to be removed or otherwise as they may think fit.

(2) The rate of board for private patients received into district asylums after the passing of this Act shall be subject to the approval of the Board, and shall be the rate of maintenance fixed for the time being for pauper patients, and in addition a sum representing rent for furnished accommodation for such private patients.

(3) So far as not inconsistent with this section, section eighty of the Act of 1857 shall continue to have effect.

Powers of visitation.

54. In addition to their existing powers, the Commissioners shall have power to visit, inspect, and report to the Board on any establishment, institution, home, house, or other place in

which they have reason to believe that any person is detained, on account of mental disorder or defect, or is received for treatment of mental disorder or defect, and on the condition of any such person, provided that this power shall not (except so far as specially provided by this Act or otherwise in the Lunacy Acts) extend to the case of persons who are living at home under the care of their natural guardians.

Provisions as to transfer and discharge of lunatics.

55.—(1) Notwithstanding anything contained in section seven of the Act of 1866, the provisions of section sixteen of the Act of 1862 shall apply as fully for the purposes of the removal or transfer, under the authority of the Board, of a lunatic to the lunatic wards of a poorhouse, or to a licensed house or a private dwelling, and of his reception and detention in the event of his requiring to be again received into an asylum, as they apply in the case specified in the last-cited section.

(2) The Board may, in any case where they consider it expedient, dispense for such period as they think proper with the requirement of section seven of the Act of 1866 respecting the grant and transmission to the Board of an annual certificate in the form of Schedule A. to that Act.

(3) Without prejudice to the provisions of section ninety-three of the Act of 1857 or section twelve of the Act of 1866, a private patient shall be discharged on the written request of the person at whose instance he is detained as a lunatic.

(4) If that person is dead or is incapable by reason of mental incapacity, absence from the United Kingdom, or other cause, of signing a request for discharge, or has ceased to pay for the maintenance of such patient, or if a patient originally classified as a pauper is afterwards classified as a private patient, the patient shall (without prejudice as aforesaid) be discharged on the written request of the person who made the last payment of the patient's board, or the husband or wife, or if there is no husband or wife or the husband or wife is incapable as aforesaid, the father, or if there is no father or he is incapable as aforesaid, the mother of the patient, or if there is no mother or she is incapable then any one or more of the nearest of kin.

(5) In addition to the powers conferred on them by section ninety-two of the Act of 1857, the Board may, in the case of any person detained as a lunatic, order his liberation upon being satisfied by the certificate of two medical persons whom they may think fit to consult bearing that such lunatic may without risk of injury to the public or to the lunatic be set at large.

Protection of lunatic women or girls.

56. The section of this Act relating to the protection of defectives from acts of sexual immorality shall have effect for the protection of women or girls who are lunatics duly certified as such under the Lunacy Acts and while they remain so certified, with the substitution of such women or girls for defective women or girls, of an asylum or other place of lawful detention for lunatics for an institution or certified house, of

pass or probation for licence, and of the Lunacy Acts for this Act.

Inspection of lunatics in private dwellings.

57. In lieu of section fourteen of the Act of 1866 the following section is hereby enacted :—

If any occupier or inmate of any private dwelling shall keep or detain therein, without the order of the sheriff or the sanction of the Board, any person as a lunatic, although not for gain, beyond the period of six months, and the malady is such as to require compulsory confinement to the house, or restraint or coercion of any kind, such occupier or inmate shall intimate the case to the Board, and shall state the reasons which render it desirable that such lunatic should remain under private care ; and if the Board shall have reason to believe or suspect that any lunatic, or any person treated as or alleged to be a lunatic, whether the case has been so intimated to them or not, has been subjected to compulsory confinement to the house or to restraint or coercion of any kind, at any time beyond six months after the commencement of the malady, or that, whatever may have been the duration of his malady, he is or has been subjected to harsh and cruel treatment, or to neglect to an extent which is injurious to his mental or bodily state, or if a female is or has been inadequately protected from sexual danger, or if one or more persons are alleged to be insane and live alone or together in such circumstances as in the opinion of the Board to call for inquiry, it shall be lawful for the Board, with consent of the Secretary for Scotland, or the Lord Advocate, to authorise and empower any one or more of the members thereof to visit and inspect such lunatic or person or persons, and to make such inquiry respecting him or them as to such member or members may seem fit ; and if on such inquiry it shall appear that such person is a lunatic, and has been so for a space exceeding six months, and that compulsory confinement to the house, or restraint or coercion of any kind has been resorted to, or that, whatever may have been the duration of his insanity, he is or has been subjected to harsh and cruel treatment, or to neglect or inadequate protection as aforesaid, or that the circumstances are otherwise such as to render the removal of such lunatic to an asylum, or to another guardian or house, necessary or expedient, it shall be lawful for the Board to represent accordingly to the sheriff, under a procedure similar to that followed in the case of dangerous lunatics, and the sheriff, on being satisfied accordingly, shall issue his order for the transmission of the lunatic to an asylum or to another guardian or house, and for his detention therein until such time as the Board shall

sanction his discharge, and the sheriff shall give decree for the expenses of the inquiry and procedure, and also for the maintenance of the lunatic in the asylum or house against the parties legally liable for the maintenance of such lunatic.

Removal from poor roll.

58. It shall not be lawful for the parish council, or the relatives or friends of any pauper lunatic, for whose removal to an asylum, or to another house or guardian, the Board have issued an order, to take him off the poor roll without the sanction of the Board; and section ten of the Act of 1866 is hereby amended accordingly.

Admission of voluntary boarders.

59. If a person desires to submit himself to treatment in an asylum as a voluntary boarder under the provisions of section fifteen of the Act of 1866, it shall, notwithstanding anything contained in that section, be lawful for the superintendent to receive such person on his written application to that effect, provided that such person shall forthwith make written application to the Board or to one of the Commissioners as required by the said section, and that such person shall not be detained for more than three days from the date of reception without the assent in writing of one of the Commissioners. Subject to the amendments hereby made, the said section shall remain in full force and effect.

Letters from patients.

60. The provisions of section sixteen of the Act of 1866 are hereby extended so as to provide that all letters from a patient in any asylum to the sheriff of the county in which such asylum is situated, and all letters from the Board or from a sheriff of a county in which any asylum is situated to a patient of such asylum shall be dealt with in all respects as is provided by the said section in the case of letters to or from the Board, or their secretary, or the Commissioners of the Board, or any of them.

Visitors to patients.

61. The liberty to visit a patient in any asylum or house shall not be confined to the parties specified in sections forty-seven and forty-eight of the Act of 1857, but may in either case be extended to any person who can show reasons satisfactory to the superintendent or on appeal to the Board for visiting the patient, and the said sections shall apply as if references to such persons were substituted for references to the parties aforesaid.

Appointment of judicial factors to mentally incapable persons.

62.—(1) The Board shall have power to make application to the Lord Advocate as provided for by section eighty-one of the Act of 1857 for the appointment of a judicial factor to any person whose property is in their opinion not duly protected owing to such person's mental incapacity, and that notwithstanding that such person is not being detained and taken charge of as a lunatic or defective.

(2) All provisions of the Lunacy Acts which apply to lunatics whose property has been placed under the management of a judicial factor, shall apply equally to any person to whom a curator bonis has been appointed in consequence of inability through mental defect to manage his own affairs, or to give adequate directions for their management. Returns by the Accountant of Court under section seventeen of the Act of 1866 shall include the names of all such persons, whether they are or are not certified as lunatics or defectives, and the provisions of this Part of this Act with regard to the ill-treatment, neglect, or inadequate protection of patients under private care shall apply to all such persons.

Pauper patients need not appear in court.

63. Notwithstanding any enactment to the contrary, a sheriff to whom application is made for warrant for the removal of a pauper lunatic from Scotland shall be entitled to dispense with such pauper being brought before him or with seeing such pauper, if satisfied that the pauper is being detained and taken care of as a lunatic and that his presence in court is not desirable.

District board to pay half maintenance charge for pauper lunatics.

64.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen, in lieu of the sums hitherto in use to be fixed and paid or which might be fixed and paid under section seventy-three of the Act of 1857, as amended by any subsequent Act, as the charge payable by parish councils to the district board for pauper lunatics in district asylums, there shall in each year be paid to the district board one half of the cost of maintenance as herein-after defined of pauper lunatics; and the balance of the cost of maintenance and other expenses and salaries referred to in the said section, together with one half of the like charge payable by parish councils for pauper lunatics maintained by them otherwise than in a district asylum, as ascertained and intimated to the district board in accordance with regulations prescribed by the Board, shall be paid by the district board, and such payments shall be charged to the assessment authorised under the Lunacy Acts and this Act: Provided that, in the case of a lunatic on whose account any such payment is made by a district board other than the board of the district comprising the parish of legal settlement of such lunatic, the first-mentioned district board shall be entitled to reimbursement in respect of any such payment from the district board of the district comprising the parish of legal settlement as from the date from which the parish council at whose instance the liability of the parish of legal settlement has been established is entitled to recover its expenses incurred in relation to such lunatic.

(2) The definition of the expression "cost of maintenance" contained in the section of this Act relating to the expenses of maintaining defectives shall apply to the same expression in this section, with the substitution of "pauper lunatic" for

"defective" and of "contributions out of the Local Taxation "(Scotland) Account to the cost of maintenance of pauper "lunatics" for "moneys provided by Parliament," and with any other necessary substitutions.

(3) A parish council shall account annually to the district board in respect of each pauper lunatic who is placed by them in a district asylum or maintained by them otherwise than in a district asylum for all contributions received by them in respect of such lunatic, from such lunatic, or otherwise on his account.

(4) All powers vested in a parish council of recovering moneys expended in behalf of a poor person shall extend to the recovery by the parish council of such part of the said moneys as is by this Act made payable by the district board.

Assessment for expenses of district boards throughout lunacy districts.

65.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen the expenses declared by this Act to be chargeable to the assessment authorised under the Lunacy Acts and this Act shall be ascertained and apportioned within the lunacy district upon the landward parts of counties and upon burghs, respectively, as provided in the Act of 1857, as amended by any subsequent Act, with respect to the assessments for the purposes of the Act of 1857, and shall be assessed, levied, and collected as provided in the said Acts.

(2) This section shall apply to the case where the district board of control is the parish council, with the substitution of the parish for the landward parts of counties and for burghs, and with any other necessary variations; provided that the assessment leviable under the Acts aforesaid within the parish shall be separately set forth and demanded in the demand note, and shall be levied by the parish council acting as a district board upon the like valuation in all respects and subject to the like deductions and exemptions as the assessment hitherto leviable within the parish under the Lunacy Acts by the town or county council, but shall be collected along with the poor rate, and with the same remedies and modes of recovery; and provided also that the consent of the Board shall be required to any assessment levied by the parish council acting as a district board; and provided further that moneys levied and collected by a parish council acting as district board shall be kept separate and distinct from moneys levied and collected by the parish council for other purposes; and for purposes of audit the accounts of the parish council shall be deemed to include the accounts of such moneys and of the expenditure thereof.

Assessment in Shetland.

66. As from the fifteenth day of May in the year nineteen hundred and fourteen, the exemption of Shetland from liability to assessment conferred by the Act of 1857 shall cease and determine.

Audit of accounts of district boards.

67. The provisions regulating the making up and auditing of the accounts of a parish council shall, with the substitution

of "district board of control" for "parish council," "clerk to the district board of control" for "clerk of the parish council," and "lunacy district" for "parish" apply to the making up and auditing of the accounts of a district board of control not being a parish council: Provided that a surcharge or disallowance shall not be made in respect of any expenditure which has been sanctioned by the Board, and provided further that before making a disallowance or surcharge affecting the accounts of a district board (whether a parish council or not) the Local Government Board for Scotland shall consult with the Board.

Powers for acquisition of land and borrowing by a district board.

68.—(1) A district board of control may, with the consent of the Board, from time to time for the purpose of any of their powers and duties under the Lunacy Acts or this Act (including, as incidental to the provision of an asylum or of an institution for defectives, the open-air exercising of patients and their occupation in agricultural or other work), acquire, purchase, or take or lease and hold any land.

(2) For the purpose of such acquisition of land, the Lands Clauses Acts shall be incorporated with the said Acts, except the provisions of those Acts relating to the purchase and taking of land otherwise than by agreement.

(3) For the purpose of such acquisition of land otherwise than by agreement, section one hundred and forty-five of the Public Health (Scotland) Act, 1897, shall, with the substitution of the assessment authorised under the Lunacy Acts and this Act for the assessments therein mentioned and with any other necessary substitutions, apply as if it were herein re-enacted and in terms made applicable to a district board of control; provided that a district board shall not without the consent of the Board make an application to the Local Government Board for Scotland under that section.

60 & 61 Vict. c. 38.

(4) A district board of control may, with the sanction of the Board, sell, let or feu any surplus land, and shall apply the proceeds thereof towards the reduction of debt, or in such other manner as the Board may direct.

(5) In this section and in the Lands Clauses Acts as hereby incorporated the expression "land" includes water and any right or servitude over water.

(6) The provisions for enabling a district board to acquire and hold lands and heritages or to acquire additional ground contained in the Acts of 1857 and 1862 shall cease to have effect.

(7) The expression "purpose of this Act" in section sixty-one and section sixty-two of the Act of 1857 shall be construed as meaning any purposes of the Lunacy Acts or this Act involving capital expenditure; and a district board may, with the consent of the Board, borrow money for such purposes on the security of the assessment authorised under the Lunacy Acts and this Act; provided that all money so borrowed shall be repaid by

equal annual instalments of principal within a period not exceeding sixty years from the date of borrowing the same, such period to be fixed by the Board in each case with due regard to the nature of the expenditure and the probable time during which it will remain effective.

Amendment of Asylums Officers' Superannuation Act, 1909.

69.—(1) For the purpose of reckoning the length of service of an established officer or servant in an asylum in Scotland to which the Asylums Officers Superannuation Act, 1909, applies, any time previously served by him in a parochial asylum or in the lunatic ward of a poorhouse shall be treated as if it had been served in a district asylum.

(2) The contribution which, under section twelve of the last-mentioned Act as applying to Scotland, is required to be made by the district board of an asylum from which an established officer or servant has removed shall, where that asylum was a parochial asylum or the lunatic ward of a poorhouse, be made out of the poor rate by the parish council by which that asylum was maintained.

Supervisory powers of Board.

70. The powers conferred on the Board by section nine of the Act of 1857 shall apply as fully to lunatic wards of poorhouses as they apply to district asylums, and references in that or any other section of the Lunacy Acts to a house in which a lunatic is kept or detained under an order of the sheriff shall be construed as including references to a house in which a lunatic is kept or detained under sanction of the Board.

Removal and chargeability of insane prisoners. 34 & 35 Vict. c. 55.

71.—(1) When an insane prisoner is removed to an asylum in terms of an order under section four or section six of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, such insane prisoner shall, until the parish of his settlement has been determined, be deemed to be chargeable to the parish within which the offence or act in respect of which he was under detention was committed.

(2) An order granted under section four or section six aforesaid for the removal to an asylum of an insane prisoner undergoing a sentence which has not expired shall not cease and determine on expiry of the period during which such prisoner would have been liable to detention had he not been so removed, notwithstanding anything contained in the Lunacy Acts to the contrary, but shall upon such expiry have effect as if it were an order granted by the sheriff in terms of section fourteen of the Act of 1862, and subject to the statutory and other conditions applicable to such an order.

Subscriptions to pathological investigations.

72. District boards shall have power, with approval of the Board, and for the purpose of obtaining instruction and assistance in pathological investigation for the medical officers of asylums under their charge, to contribute annually towards any pathological laboratory, having for its object or one of its objects investigation into the pathology of mental diseases, and

such contributions shall be paid for out of the assessment authorised under the Lunacy Acts and this Act.

Protection to persons putting Acts in force.

73. A person who, before the passing of this Act, has signed or carried out or done any act with a view to sign or carry out an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who, after the passing of this Act, presents a petition or application for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under the Lunacy Acts, or does anything in pursuance of the said Acts or of this Act, whether relating to lunatics or to defectives, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction or on any other ground, if such person has acted in good faith and with reasonable care.

In this section, the expression "reception order" means an order or authority made or given before or after the commencement of this Act for the reception of a lunatic, whether a pauper or not, in any asylum or other establishment or house where a lunatic or lunatics are received in accordance with law, and includes an emergency certificate.

Definitions for this Part of Act. 29 & 30 Vict. c. 51.

74. In this Part of this Act—

The expression "Act of 1857" means the Lunacy (Scotland) Act, 1857:

The expression "Act of 1862" means the Lunacy (Scotland) Act, 1862:

The expression "Act of 1866" means the Lunacy (Scotland) Act, 1866:

Notwithstanding anything in this Part of this Act or in the definition of the word "house" in the Act of 1857, the Board may, if they think fit, prescribe the class or classes of house to which any requirement of the Lunacy Acts referring to a house (being a house where a lunatic or lunatics are received for gain) shall be held to apply, or exempt any or every class of house from any of those requirements.

Construction of this Part of Act, and citation of Lunacy (Scotland) Acts. 27 & 28 Vict. c. 59. 40 & 41 Vict. c. 53. 63 & 64 Vict. c. 54.

75.—(1) Part Two and Part Five of this Act shall, unless inconsistent with the context, be construed as one Act with the Lunacy (Scotland) Acts, 1857 to 1887.

(2) Part Two and Part Five of this Act and the Lunacy (Scotland) Acts, 1857 to 1887, the Lunacy Board (Scotland) Act, 1864, sections sixty-one to sixty-three inclusive of the Prisons (Scotland) Act, 1877, and the Lunacy Board (Scotland) Salaries and Clerks Act, 1900, may be cited collectively as the Lunacy (Scotland) Acts, 1857 to 1913 (in this Act referred to as the Lunacy Acts).

PART VI.

MISCELLANEOUS.

Interpretation.

76.—(1) In this Act, unless the context otherwise requires,—

The expression "parent or guardian" in relation to a defective shall include any person who undertakes or performs towards the defective the duty of a parent or guardian:

The expression "relative" in relation to a defective means the husband or wife or a lineal ancestor or lineal descendant, or lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother:

The expression "intoxicants" includes any excisable liquor, and any sedative, narcotic, or stimulant drug or preparation:

The expression "place of safety" means any poorhouse or police station, any institution, any place of detention, and any hospital, surgery, or other suitable place, the occupier of which is willing to receive temporarily persons who may be taken to places of safety under this Act:

The expression "institution" in relation to defectives means a State institution or certified institution.

Punishment for offences.

77.—(1) An offence under this Act declared to be a crime and offence for which no special penalty is provided by this Act shall be punishable by fine or by imprisonment for a term not exceeding two years, with or without hard labour.

(2) Any other offence under this Act shall be punishable summarily with imprisonment for a term not exceeding three months, with or without hard labour, or with a fine not exceeding fifty pounds.

Provisions as to regulations.

78. Regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if within thirty sitting days after they have been so laid either House of Parliament presents an address to His Majesty praying that any such regulations may be annulled, His Majesty may, by Order in Council, annul the regulations, without prejudice however to anything done thereunder, and the regulations made under this Act shall have effect as if enacted in this Act.

Repeal.

79. The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

Short title, extent, and commencement.

80.—(1) This Act may be cited as the Mental Deficiency and Lunacy (Scotland) Act, 1913.

(2) This Act shall extend to Scotland only.

(3) Except as otherwise provided this Act shall come into operation on the fifteenth day of May in the year nineteen hundred and fourteen.

SCHEDULE.

Section 79.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 71.	Lunacy (Scotland) Act, 1857.	Section one hundred and fourteen.
25 & 26 Vict. c. 54.	Lunacy (Scotland) Act, 1862.	Section seven, section eleven.
29 & 30 Vict. c. 51.	Lunacy (Scotland) Act, 1866.	Section fourteen.

TABLE II.

A

TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS (including the PUBLIC ACTS of a Local Character) passed during the Session (arranged according to Chapter).

3 & 4 GEORGE 5.—A.D. 1913.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 25th April 1913.

P. i. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Edinburgh and East of Scotland College of Agriculture. (*Edinburgh and East of Scotland College of Agriculture Order Confirmation.*)

ROYAL ASSENT, 4th July 1913.

ii. An Act to confer further powers on the Crowborough District Gas Company in reference to their gas undertaking and to empower them to supply electricity within their existing limits of supply. (*Crowborough District Gas and Electricity.*)

iii. An Act to authorise the Harrow and Stanmore Gas Company to consolidate their existing capital to raise additional capital to construct new works and for other purposes. (*Harrow and Stanmore Gas.*)

iv. An Act to amend the Charter and enlarge the powers of the Governesses Benevolent Institution. (*Governesses Benevolent Institution.*)

v. An Act to confer further powers upon the Cleveland and Durham County Electric Power Company and for other purposes. (*Cleveland and Durham County Electric Power.*)

vi. An Act for conferring further powers upon the Swansea Harbour Trustees. (*Swansea Harbour.*)

vii. An Act to enable the mayor aldermen and burgesses of the borough of Colne to acquire the undertaking of the Colne and Trawden Light Railways Company and for other purposes. (*Colne Corporation.*)

viii. An Act to amend the Colonial and Foreign Banks Guarantee Fund Incorporation Act 1899 and for other purposes. (*Colonial and Foreign Banks Guarantee Corporation.*)

ix. An Act to transfer to the Northern Counties Electricity Supply Company Limited the undertakings authorised by the Hebburn Electric Lighting Order 1900 and the Felling Electric Lighting Order 1901 and for other purposes. (*Northern Counties Electricity Supply Company Limited.*)

x. An Act to confer powers upon the Herne Bay Gas and Coke Company Limited for the supply of electricity and for other purposes. (*Herne Bay Gas and Electricity.*)

xi. An Act for the improvement of the city and royal burgh of Dundee and the widening alteration improvement and extension of existing streets and thoroughfares and the construction of new roads or streets and tramways and for other purposes. (*Dundee Corporation (Improvements and Tramways).*)

xii. An Act for conferring further powers upon the Cambrian Railways Company and the Welshpool and Llanfair Light Railway Company for amalgamating the Vale of Rheidol (Light) Railway Company with the Cambrian Railways Company and for other purposes. (*Cambrian Railways.*)

xiii. An Act for transferring to and vesting in the Isle of Wight Central Railway Company the undertaking of the Newport Godshill and St. Lawrence Railway Company to confer further powers on the Isle of Wight Central Railway Company and for other purposes. (*Isle of Wight Central Railway (Godshill Transfer).*)

xiv. An Act to dissolve and reincorporate the Porthcawl Gas Light and Coke Company Limited to enable the Company to supply gas to and within the urban district of Porthcawl and other parishes and places in the county of Glamorgan and for other purposes. (*Porthcawl and District Gas.*)

xv. An Act to empower the corporation of Northampton to construct additional waterworks to make better provision with regard to their water undertaking and for other purposes. (*Northampton Corporation Water.*)

xvi. An Act to confer further powers upon the South Staffordshire Mond Gas (Power and Heating) Company. (*South Staffordshire Mond Gas (Power and Heating) Company's.*)

xvii. An Act to authorise the South Staffordshire Waterworks Company to construct new works and for other purposes. (*South Staffordshire Waterworks.*)

xviii. An Act to empower the Slough Gas and Coke Company to convert its capital into stock and for other purposes. (*Slough Gas.*)

xix. An Act for transferring and vesting the undertaking of the Bishop's Waltham Waterworks Company Limited to and in the South Hants Waterworks Company and for other purposes. (*Bishop's Waltham Water.*)

xx. An Act to authorise the Humber Commercial Railway and Dock Company to make embankments in the River Humber at the entrance to Immingham Dock and for other purposes. (*Humber Commercial Railway and Dock.*)

xxi. An Act to enable the Manchester Royal Exchange Limited to acquire lands for the extension of and to extend the Royal Exchange and for other purposes. (*Manchester Royal Exchange.*)

xxii. An Act to empower the Urban District Council of Mynyddislwyn to purchase the gas undertakings and to supply gas within the Sirhowy Valley portion of their district to make further provision in regard to the improvement and local government of the district and for other purposes. (*Mynyddislwyn Urban District Council.*)

P. xxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Aylesbury Bury Chorley Filey Kiveton Park (Rural) Neath Newton in Mackerfield and Watford. (*Local Government Board's Provisional Orders Confirmation (No. 1).*)

P. xxiv. An Act to confirm a Provisional Order of the Local Government Board relating to the County of Southampton. (*Local Government Board's Provisional Order Confirmation (No. 2).*)

P. xxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Ashton-in-Makerfield Harrogate Rochdale Stratford-upon-Avon Swansea and Ulverston and the Epsom (Rural) Sutton Carshalton and

Leatherhead and the Sittingbourne and Milton Joint Hospital Districts. (*Local Government Board's Provisional Orders Confirmation (No. 3).*)

P. xxvi. An Act to confirm a Provisional Order under the Land Drainage Act 1861 in the matter of the proposed drainage district in the Parishes of Holme St. Cuthbert Allonby and West Newton in the County of Cumberland. (*Land Drainage (Holme St. Cuthbert) Provisional Order Confirmation.*)

P. xxvii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland). (*Burgh and Parochial Schoolmasters' Widows' Fund (Scotland) Order Confirmation.*)

P. xxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Andrews Burgh Extension and Links. (*St. Andrews Burgh Extension and Links Order Confirmation.*)

P. xxix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Caledonian Railway. (*Caledonian Railway Order Confirmation.*)

Royal Assent, 15th August 1913.

xxx. An Act to authorise the Redcar Coatham Marske and Saltburn Gas Company to construct additional works and for other purposes. (*Redcar Coatham Marske and Saltburn Gas.*)

xxxi. An Act to authorise the Urban District Council of Lymm to purchase the undertaking of the Lymm Water Company and certain properties of the Lymm Estate Development Company Limited and to supply water within their urban district and the neighbourhood to confer further powers upon them in regard to their gas undertaking and to make further provision for the health local government and improvement of the district and for other purposes. (*Lymm Urban District Council.*)

xxxii. An Act to transfer to and vest in the Swanage Urban District Council the water undertaking of the Swanage Gas and Water Company to authorise the council to supply water within the urban district of Swanage and the parish of Langton Matravers and for other purposes. (*Swanage Urban District Water.*)

xxxiii. An Act to confirm an agreement relating to the supply of electricity in the borough of Richmond (Surrey) and for other purposes. (*Richmond (Surrey) Electricity Supply.*)

xxxiv. An Act to enable the Barry Railway Company to acquire lands in the county of Glamorgan to extend the time for the completion of certain railways and the acquisition of certain lands and for other purposes. (*Barry Railway.*)

xxxv. An Act to enable the corporation of Chesterfield to provide and run vehicles by means of railless traction and for other purposes. (*Chesterfield Corporation Railless Traction.*)

xxxvi. An Act for extending the limits of supply of the Mid Kent Water Company for sanctioning and confirming the construction of existing works for authorising the construction of new works and for conferring further powers upon that Company for conferring further powers upon the East Kent District Water Company and for authorising agreements between those companies and the South Kent Water Company and for other purposes. (*Mid Kent and East Kent District Water.*)

xxxvii. An Act to extend the periods limited by the Wimbledon and Sutton Railway Act 1910 for the compulsory purchase of lands for and for the construction and completion of the railways and works by that Act authorised to raise additional capital and for other purposes. (*Wimbledon and Sutton Railway.*)

xxxviii. An Act to enable the Midland Railway Company to make further contributions to the superannuation fund established under the Midland Railway (Additional Powers) Act 1867 and for other purposes. (*Midland Railway (Superannuation Fund).*)

xxxix. An Act to extend the limits of the Westgate and Birchington Gas Company for the supply of gas to empower the Company to supply electricity and to confer further powers on and to change the name of the Company and for other purposes. (*Westgate and Birchington Gas and Electricity.*)

xl. An Act for incorporating and conferring powers on the United District Gas Company. (*United District Gas.*)

xli. An Act to enable the Port Talbot Railway and Docks Company to raise additional capital. (*Port Talbot Railway and Docks.*)

xlii. An Act to consolidate with amendments the Acts relating to the port and harbours of Greenock to reconstitute and reincorporate the Trustees to authorise the construction of new works to provide for the adjustment of the finances of the trust to provide for a guarantee by the corporation of Greenock and for other purposes. (*Greenock Port and Harbours Consolidation.*)

xliii. An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Leeds in regard to their water undertaking to empower them to construct street improvements and for other purposes. (*Leeds Corporation.*)

xliv. An Act to provide for the transfer of the undertaking of the Enfield Gas Company to the Tottenham and Edmonton Gas Light and Coke Company and to confer on such Company certain powers in regard to the supply of electricity and for other purposes. (*Tottenham and Edmonton Gas.*)

xlv. An Act to confer further powers upon the lord mayor aldermen and citizens of the city of York in relation to their electricity undertaking the Skeldergate Bridge and other matters. (*York Corporation.*)

xlvi. An Act to authorise the transfer to the mayor aldermen and burgesses of the county borough of Brighton of the powers vested in the Brighton Hove and Preston United Omnibus Company Limited under the Brighton Hove and District Railless Traction Act 1911 and to sanction and confirm the purchase by the Corporation of lands adjoining the borough in the parishes of Ovingdean Rottingdean and Falmer and for other purposes. (*Brighton Corporation.*)

xlvii. An Act to confer further powers on the Hull and Barnsley Railway Company in respect of their own undertaking and upon that Company and the North Eastern Railway Company and the Great Central Railway Company respectively in respect of joint undertakings and for other purposes. (*Hull and Barnsley Railway.*)

xlviii. An Act to authorise the Metropolitan District Railway Company to widen part of their Fulham Extension Railway and for other purposes. (*Metropolitan District Railway.*)

xlix. An Act to empower the mayor aldermen and citizens of the city of Coventry to provide and run motor omnibuses to confer further powers with regard to the water supply of the city to extend the areas of supply of gas and electricity and for other purposes. (*Coventry Corporation.*)

l. An Act to confer further powers upon the Blyth and Cowpen Gas Company and to enable that Company to acquire the undertaking of the Bedlington Gas Light Company Limited. (*Blyth and Cowpen Gas.*)

li. An Act to confirm and make valid the creation and issue of shares and debenture stock by the West Hampshire Water Company and for other purposes. (*West Hampshire Water.*)

liii. An Act to authorise the Halkyn District Mines Drainage Company to construct additional works for the drainage of certain mines and mineral lands in the county of Flint and for other purposes. (*Halkyn District Mines Drainage.*)

liii. An Act to confer powers upon the mayor aldermen and burgesses of the borough of Hove in relation to the acquisition of the undertaking of the Hove Electric Lighting Company Limited and to the supply of electricity and to make further provision for the health local government and improvement of the borough and for other purposes. (*Hove Corporation.*)

liv. An Act to transfer to and vest in the Metropolitan Railway Company the undertaking of the Great Northern and City Railway Company to empower the Metropolitan Railway Company to construct a new railway and works to acquire additional land to raise additional capital and for other purposes. (*Metropolitan Railway.*)

lv. An Act to extend the limits of supply of the Tynemouth Gas Company and for other purposes. (*Tynemouth Gas.*)

lvi. An Act for conferring further powers upon the Great Western Railway Company in respect of their own undertaking and upon that Company and the London and North Western Railway Company in respect of an undertaking in which they are jointly interested and upon the Great Western and Great Central Railways Joint Committee in respect of their undertaking and for other purposes. (*Great Western Railway.*)

lvii. An Act for incorporating and conferring powers on the Titchfield District Gas Company. (*Titchfield District Gas.*)

lviii. An Act to authorise the Urban District Council of West Bridgford to provide and work motor omnibuses and to make further and better provision for the improvement and local government of the district and for other purposes. (*West Bridgford Urban District Council.*)

lix. An Act to confer further powers upon the corporation of Manchester and the Manchester Ship Canal Company with respect to the lending and borrowing of money to empower the said company to raise further moneys for the purposes of their undertaking and for other purposes. (*Manchester Ship Canal.*)

lx. An Act to authorise the Great Northern Railway Company to construct certain new railways a widening of railway and other works and to acquire lands and to confer further powers upon that Company to authorise the acquisition of

lands by the Great Northern and Great Central Railway Companies jointly and by the Cheshire Lines Committee the Midland and Great Northern Railways Joint Committee and the Norfolk and Suffolk Joint Railways Committee to extend the time for the purchase of lands under the Cheshire Lines Act 1903 and for other purposes. (*Great Northern Railway.*)

lxi. An Act to authorise the Rhondda Tramways Company Limited to provide and work a railless traction system in the parish of Llantrisant and for other purposes. (*Rhondda Tramways (Railless Traction).*)

lxii. An Act for incorporating and conferring powers on the Llantrisant Gas Company. (*Llantrisant Gas.*)

lxiii. An Act to transfer to and vest in the urban district council of Broadstairs and St. Peter's in the county of Kent the undertaking of the commissioners for the care and management of the pier within the hamlet of Broadstairs and harbour of Broadstairs to provide for the extension of the urban district to authorise the Council to construct street improvements to confer further powers on the Council in regard to their water undertaking and to make further and better provision for the improvement health and local government of the district and for other purposes. (*Broadstairs and St. Peter's Urban District Council.*)

lxiv. An Act to confer additional powers upon the North Eastern Railway Company for the construction of new railways and other works and the acquisition of lands to authorise the construction of railways and the acquisition of lands by the South Yorkshire Joint Line Committee and for other purposes. (*North Eastern Railway.*)

lxv. An Act to authorise the acquisition by the Bournemouth Gas and Water Company of the undertakings of the Christchurch Gas Company and the Wimborne Minster Waterworks Company Limited to confer further powers on the Bournemouth Gas and Water Company and for other purposes. (*Bournemouth Gas and Water.*)

lxvi. An Act to authorise the Lancashire and Yorkshire Railway Company to construct new railways to widen certain existing railways and construct other works to acquire additional lands and for other purposes. (*Lancashire and Yorkshire Railway.*)

lxvii. An Act to authorise the Mexborough and Swinton Tramways Company to provide and work trolley vehicles in connection with their tramways and for other purposes. (*Mexborough and Swinton Tramways (Railless Traction).*)

lxviii. An Act to confer further powers upon the Pontypridd and Rhondda Joint Water Board. (*Pontypridd and Rhondda Water.*)

lxix. An Act to empower the mayor aldermen and burgesses of the borough of West Bromwich to provide and work a trolley vehicle system to provide and work motor omnibuses to construct street improvements to extend their powers with regard to their gas and electricity undertakings and to the health local government and improvement of the borough and for other purposes. (*West Bromwich Corporation.*)

lxx. An Act to provide for the reduction and rearrangement of the capital of the Kent Electric Power Company and for other purposes. (*Kent Electric Power.*)

lxxi. An Act to confer further powers upon the Worthing Gas Light and Coke Company. (*Worthing Gas.*)

lxxii. An Act to authorise the closing of Arundell Street and Panton Square in the city of Westminster. (*Arundell Estate (Closing of Arundell Street and Panton Square).*)

lxxiii. An Act to empower the Central London Railway Company to construct new railways to authorise agreements between that company and the London and South Western Railway Company and for other purposes. (*Central London Railway.*)

lxxiv. An Act to authorise the lord provost magistrates and council of the city and royal burgh of Edinburgh to construct works to purchase and acquire lands to borrow money to amend Acts and for other purposes. (*Edinburgh Corporation.*)

lxxv. An Act to extend the limits of supply of the Grays and Tilbury Gas Company to authorise the Grays and Tilbury Gas Company to acquire certain other gas undertakings and for other purposes. (*Grays and Tilbury Gas.*)

lxxvi. An Act to enable the Great Eastern Railway Company to construct works and acquire lands at Ipswich and for other purposes. (*Great Eastern Railway.*)

lxxvii. An Act to confer upon the Southgate Urban District Council various powers with respect to streets and buildings in their district and with respect to the health local government and sanitation of the district and to empower the council to establish superannuation and pension funds and for other purposes. (*Southgate Urban District Council.*)

lxxviii. An Act for severing the Rectory of Gatcombe from the Office of Principal of St. Edmund Hall in the University of Oxford and for other purposes. (*Oxford University (St. Edmund Hall and Gatcombe Rectory).*)

lxxix. An Act to regulate the expenditure on capital account and lending of money by the London County Council during the financial period from the first day of April one thousand nine hundred and thirteen to the thirtieth day of September one thousand nine hundred and fourteen. (*London County Council (Money).*)

lxxx. An Act to extend the boundaries of the city and royal burgh of Dundee and of the county of the city of Dundee and for other purposes. (*Dundee Boundaries.*)

lxxxi. An Act for empowering the corporation of the city of Liverpool to make new streets to make better provision for the health local government and finance of the city to provide for the granting of superannuation allowances to certain officers and servants of the corporation and for other purposes. (*Liverpool Corporation.*)

lxxxii. An Act for dissolving and re-incorporating the Southampton Harbour Board and for other purposes. (*Southampton Harbour.*)

lxxxiii. An Act to empower Watney Combe Reid & Co. Limited to redeem a portion of its existing capital and for other purposes. (*Watney Combe Reid & Co. Limited.*)

lxxxiv. An Act to constitute Trustees for the purpose of holding and managing Ascot Race Course and the stands buildings and property held or used in connection therewith and to vest in them all property now held or used for the benefit or purposes of Ascot Races and to confer all necessary powers on the Trustees so constituted and for other purposes. (*Ascot Authority.*)

lxxxv. An Act to authorise the Urban District Council of Ebbw Vale to construct additional waterworks and for other purposes. (*Ebbw Vale Water.*)

lxxxvi. An Act to enable the mayor aldermen and burgesses of the county borough of Leicester to construct additional tramways and street improvements in the borough and for other purposes. (*Leicester Corporation.*)

lxxxvii. An Act to authorise the commissioners for the harbour and docks of Leith to construct new works to borrow money and for other purposes. (*Leith Harbour and Docks.*)

lxxxviii. An Act to confer further powers on the London and South Western Railway Company and to provide for a lease to that company of the undertaking of the North Cornwall Railway Company and for other purposes. (*South Western Railway.*)

lxxxix. An Act to confer powers upon the North British Railway Company to construct certain new railways and other works to confirm and give effect to agreements between that Company and the Caledonian Railway Company and the Edinburgh Corporation respectively to authorise the abandonment of a portion of the Union Canal to empower the North British Railway Company and the Burntisland Harbour Commissioners to raise further moneys and for other purposes. (*North British Railway.*)

xc. An Act to authorise the transfer to the Southend Waterworks Company of the Western District Water Undertaking of the Rochford Rural District Council to extend the limits of the Southend Waterworks Company for the supply of water and for other purposes. (*Southend Waterworks.*)

xci. An Act to authorise the construction of certain new works for improving the harbour of Dover and for other purposes. (*Dover Harbour.*)

xcii. An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct tramways and street works to make further provision in regard to their tramway water electricity and markets undertakings and the health local government and improvement of the borough to enable them to establish a fund for the granting of superannuation allowances to their officers and servants to provide for the simplification of the procedure in the Derby Borough Court of Record and for other purposes. (*Derby Corporation.*)

xciii. An Act to enable the mayor aldermen and burgesses of the county borough of Southport to carry out street improvements and other works to provide and run trolley vehicles and to make further provision for the health local government and improvement of the borough and for other purposes. (*Southport Corporation.*)

xciv. An Act to incorporate the Heathfield and District Water Company and to enable them to construct works and to supply water to certain parishes or portions of parishes in the county of Sussex and to acquire the waterworks part of the undertaking of the Ticehurst and District Water and Gas Company and the undertaking of the Heathfield and District Water Company Limited and to enter into agreements with the owners of such undertakings and with the local authorities or others and to amend the Ticehurst Water Act 1902 and the Ticehurst and District Water and Gas Act 1904. (*Heathfield and District Water.*)

xcv. An Act to confer powers on the mayor aldermen and burgesses of the county borough of Huddersfield for the construction of tramways street works and waterworks to

purchase the undertaking of the commissioners of the Deanhead Reservoir to extend the borough boundaries and to make further and better provision with regard to the tramways water and other undertakings of the corporation and for other purposes. (*Huddersfield Corporation.*)

xcvi. An Act to confer powers upon the lord mayor aldermen and citizens of the city of Bradford for the construction of waterworks street works and improvements and the acquisition of lands for the provision of trolley vehicles with respect to infectious diseases and the health good government and sanitation of the city to authorise the establishment of superannuation and other funds and to make provisions with respect to various matters of local administration and management. (*Bradford Corporation.*)

xcvii. An Act to empower the London Electric Railway Company to construct new railways and for other purposes. (*London Electric Railway.*)

xcviii. An Act to empower the Metropolitan Water Board to make waterworks and other works and to acquire lands and for other purposes. (*Metropolitan Water Board.*)

xcix. An Act to confer further powers on the urban district council of Barry in regard to their water and gas undertakings to extend the powers of the council with regard to the improvement health and local government of the district and for other purposes. (*Barry Urban District Council.*)

c. An Act to extend and enlarge the powers of the lord mayor aldermen and citizens of the city of Belfast with respect to finance and borrowing to confer further powers with respect to sanitary matters and matters of local administration and for other purposes. (*Belfast Corporation.*)

ci. An Act to confer powers on the London County Council and metropolitan borough councils and for other purposes. (*London County Council (General Powers).*)

cii. An Act to empower the London County Council to construct and work tramways to make street improvements and other works and for other purposes. (*London County Council (Tramways and Improvements).*)

ciii. An Act to empower the Metropolitan Electric Tramways Limited to provide and work vehicles by means of railless traction and for other purposes. (*Metropolitan Electric Tramways (Railless Traction).*)

civ. An Act to empower the Holme Cultram Urban District Council to purchase certain gasworks of the North British Railway Company and to supply gas within the urban district. (*Silloth Gas.*)

cv. An Act to extend the boundaries of the borough of Southend-on-Sea and to constitute the extended borough a county borough to consolidate the parishes of the extended borough into one parish to enable the corporation to establish a separate police force and to provide and work motor omnibuses to make further provision in regard to the health local government and improvement of the borough and for other purposes. (*Southend-on-Sea Corporation.*)

cvi. An Act to alter the constitution of and method of election to the Ipswich Dock Commission to confer further powers on the commissioners to authorise them to construct works and acquire lands to raise additional money and to create stock and for other purposes. (*Ipswich Dock.*)

cvii. An Act to empower the mayor aldermen and burgesses of the borough of Reading to construct bridges across the Thames street improvements and other works and for other purposes. (*Reading Corporation.*)

cviii. An Act to authorise the construction of a new in substitution for an existing bridge over the River Shannon and for other purposes. (*Limerick Harbour* (*Bridge*).)

cix. An Act to confer further powers on the corporation of Aberystwyth with regard to their water and market undertakings and to make further and better provision with regard to the improvement health local government and finance of the borough. (*Aberystwyth Corporation.*)

cx. An Act for empowering the City and South London Railway Company to enlarge their railway tunnels to raise further money and for other purposes. (*City and South London Railway.*)

cxi. An Act to confer further powers upon the Alexandra Park and Palace Trustees with respect to the temporary closing and use of the park and palace for exhibitions to extend the period for which portions of the park and palace may be let and for other purposes. (*Alexandra Park and Palace.*)

cxii. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Morley in relation to their gas water and electricity undertakings and with respect to the disposal of trade refuse and to make further provision in regard to the health improvement and good government of the borough. (*Morley Corporation.*)

cxiii. An Act to authorise the mayor aldermen and citizens of the city of Nottingham and county of the same city to construct tramways to provide and work a trolley vehicle system to provide and work motor omnibuses and for other purposes. (*Nottingham Corporation.*)

cxiv. An Act to empower the President Vice-Presidents Treasurers and Governors of the Westminster Hospital to acquire lands for and to erect a new hospital to authorise the sale and disposal of the site of Westminster Hospital and for other purposes. (*Westminster Hospital.*)

cxv. An Act for incorporating and conferring powers on the Western Valleys (Monmouthshire) Railless Electric Traction Company and for other purposes. (*Western Valleys (Monmouthshire) Railless Electric Traction.*)

P. cxvi. An Act to enable the Postmaster-General to construct for the purposes of the Post Office certain underground railways and other works in London and for purposes in connexion with such railways and works. (*Post Office (London) Railway.*)

P. cxvii. An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the councils of the administrative counties of Cardigan Carmarthen Cumberland Kent Merioneth Montgomery Pembroke and the West Riding of Yorkshire and the Urban District of Aberdare to put in force the Lands Clauses Acts. (*Education Board Provisional Orders Confirmation (Cardigan &c.).*)

P. cxviii. An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. (*Education Board Provisional Order Confirmation (London No. 1).*)

P. cxix. An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. (*Education Board Provisional Order Confirmation (London No. 2).*)

P. cxx. An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. (*Education Board Provisional Order Confirmation (London No. 3).*)

P. cxxi. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Mullingar and the County of Tipperary (South Riding). (*Local Government Board (Ireland) Provisional Orders Confirmation (No. 1).*)

P. cxxii. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the Urban Districts of Carlow Galway and Larne and the City of Dublin. (*Local Government Board (Ireland) Provisional Orders Confirmation (No. 2).*)

P. cxxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Baildon Urban District Council Tramway and Newcastle-upon-Tyne Corporation Tramways. (*Tramways Orders Confirmation.*)

P. cxxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Kibworth Gas Midsomer Norton Gas Redditch Gas and West Staffordshire Gas. (*Gas Orders Confirmation.*)

P. cxxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Dronfield Gas Alresford Water and Borough of Portsmouth Water. (*Gas and Water Orders Confirmation* (*No.* 1).)

P. cxxvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Faversham Gas Hawkhurst Gas Peniston Thurlstone and Oxspring Gas and Wey Valley Water. (*Gas and Water Orders Confirmation* (*No.* 2).)

P. cxxvii. An Act to confirm a Provisional Order of the Local Government Board relating to Biddulph. (*Local Government Board's Provisional Order Confirmation* (*Gas*).)

P. cxxviii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Blackpool Briton Ferry Cleckheaton Preston and Workington. (*Local Government Board's Provisional Orders Confirmation* (*No.* 4).)

P. cxxix. An Act to confirm certain Provisional Orders of the Local Government Board relating to Brynmawr Cambridge Chiswick Croydon Doncaster Nelson Rhondda Willesden and Wood Green. (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

P. cxxx. An Act to confirm certain Provisional Orders of the Local Government Board relating to Burton-upon-Trent Kendal Newcastle-upon-Tyne Stockton-on-Tees and Torquay. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

P. cxxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bath Manchester Wigan Wombwell the Chester-le-Street Joint Hospital District and the North Staffordshire Joint Small-pox Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

P. cxxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Birmingham and Wolverhampton. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

P. cxxxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Barnes Burnley Gelligaer Hendon Linthwaite and Pontardawe Rural. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

P. cxxxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Carlisle and Scarborough. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

P. cxxxv. An Act to confirm a Provisional Order of the Local Government Board relating to Exeter. (*Local Government Board's Provisional Order Confirmation* (*No.* 11).)

P. cxxxvi. An Act to confirm a Provisional Order of the Local Government Board relating to Saint Alban. (*Local Government Board's Provisional Order Confirmation* (*No.* 12).)

P. cxxxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Manchester and Stockport. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

P. cxxxviii. An Act to confirm a Provisional Order of the Local Government Board relating to Liverpool. (*Local Government Board's Provisional Order Confirmation* (*No.* 14).)

P. cxxxix. An Act to confirm a Provisional Order of the Local Government Board relating to the East Lancing Sea Defence District. (*Local Government Board's Provisional Order Confirmation* (*No.* 15).)

P. cxl. An Act to confirm a Provisional Order of the Local Government Board relating to Bacup and the District of the Bury and District Joint Water Board. (*Local Government Board's Provisional Order Confirmation* (*No.* 16).)

P. cxli. An Act to confirm certain Provisional Orders of the Local Government Board relating to Ilkeston Scunthorpe and Wantage (Rural). (*Local Government Board's Provisional Orders Confirmation* (*No.* 17).)

P. cxlii. An Act to confirm a Provisional Order of the Local Government Board relating to Middlesbrough. (*Local Government Board's Provisional Order Confirmation* (*No.* 18).)

P. cxliii. An Act to confirm a Provisional Order of the Local Government Board relating to Stockton-on-Tees. (*Local Government Board's Provisional Order Confirmation* (*No.* 19).)

P. cxliv. An Act to confirm a Provisional Order of the Local Government Board relating to Margate. (*Local Government Board's Provisional Order Confirmation* (*No.* 20).)

P. cxlv. An Act to confirm a Provisional Order of the Local Government Board relating to the County of Glamorgan. (*Local Government Board's Provisional Order Confirmation* (*No.* 22).)

P. cxlvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Berwick-upon-Tweed Lymington and Padstow. (*Pier and Harbour Orders Confirmation* (*No.* 1).)

P. cxlvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Portknockie and Raasay. (*Pier and Harbour Orders Confirmation* (*No.* 2).)

P. cxlviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Buckie and Findochty. (*Pier and Harbour Orders Confirmation* (*No.* 3).)

P. cxlix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Baildon Beckenham (Extension) Chipping Norton Hazel Grove and Bramhall Itchen Skelton and Brotton Southborough Stoke-on-Trent (Extension) Truro and Weaverham District. (*Electric Lighting Orders Confirmation* (*No.* 1).)

P. cl. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Barnet (Extension) Barton-on-Humber Basingstoke Derby (Extension) Doncaster (Extension) Ellesmere Port and Whitby Kingswear Leatherhead and District (Extension) Mid-Sussex and Northwood and Ruislip (Extension). (*Electric Lighting Orders Confirmation* (*No.* 2).)

P. cli. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Lossiemouth and Branderburgh Maxwelltown and Port Glasgow. (*Electric Lighting Orders Confirmation* (*No.* 3).)

P. clii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Lytham Marlborough Menai Bridge

Neath Rural District (Extension) Sevenoaks and District Stroud and Wolverhampton (Extension). (*Electric Lighting Orders Confirmation (No. 4).*)

P. cliii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Caerphilly Pinner Smethwick (Amendment) Watford (Extension) and Wellingborough (Amendment). (*Electric Lighting Orders Confirmation (No. 5).*)

P. cliv. An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Portrush. (*Electric Lighting Order Confirmation (No. 6).*)

P. clv. An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to Romford and District. (*Electric Lighting Order Confirmation (No. 7).*)

P. clvi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline District Water. (*Dunfermline District Water Order Confirmation.*)

P. clvii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline Corporation Water. (*Dunfermline Corporation Water Order Confirmation.*)

P. clviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss Tramways. (*Wemyss Tramways Order Confirmation.*)

P. clix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy and Dysart Water. (*Kirkcaldy and Dysart Water Order Confirmation.*)

P. clx. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire (Middle Ward District) Water. (*Lanarkshire (Middle Ward District) Water Order Confirmation.*)

P. clxi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Airdrie Corporation Gas. (*Airdrie Corporation Gas Order Confirmation.*)

P. clxii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Trade Boards Act 1909. (*Trade Boards Provisional Orders Confirmation.*)

P. clxiii. An Act to authorise certain Local Authorities to contribute towards the cost of the acquisition of the Crystal Palace Sydenham. (*Local Authorities Contributions (Crystal Palace).*)

P. clxiv. An Act to confirm a Provisional Order under the Salmon and Freshwater Fisheries Act 1907 relating to the River Ribble and other waters. (*Ribble Fisheries Provisional Order Confirmation.*)

P. clxv. An Act to confirm a Pilotage Order made by the Board of Trade under the Pilotage Act 1913 relating to the London District of the Corporation of the Trinity House of Deptford Strond. (*Pilotage Order (London) Confirmation.*)

P. clxvi. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Independent Chapel School and Trust Property at Wibsey in the Township of North Bierley in the City of Bradford. (*Wibsey (Bradford) Independent Chapel Scheme Confirmation.*)

P. clxvii. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Horeb Union Church and Trust Property in the Ancient Township of Padiham in the Ancient Parish of Whalley in the County of Lancaster. (*Padiham Horeb Union Church Scheme Confirmation.*)

P. clxviii. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the Hulme Trust Estates (Non-Educational) in the County of Lancaster and elsewhere. (*Hulme Trust Estates Scheme Confirmation.*)

P. clxix. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Congregational Chapel and Trust Property in Roe Street in the Ancient Township of Macclesfield in the Ancient Parish of Prestbury in the County of Chester. (*Roe Street (Macclesfield) Congregational Chapel Scheme Confirmation.*)

P. clxx. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Calvinistic Chapel at Hatfield, in the West Riding of the County of York. (*Hatfield (York, West Riding) Calvinistic Chapel Scheme Confirmation.*)

P. clxxi. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Chapel at Kingswood in the Ancient Parishes of Banstead and Ewell in the County of Surrey. (*Kingswood Chapel Scheme Confirmation.*)

P. clxxii. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the following Charities in the County of Stafford (1) the Charity consisting of the Congregational Chapel in the Ancient Township of Great Haywood in the Ancient Parish of Colwich (2) the Charity consisting of the Congregational Chapel in Tompkin in the Township of Bagnall in the Parish of Stoke-upon-Trent. (*Great Haywood and Tompkin Congregational Chapels Scheme Confirmation.*)

P. clxxiii. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the School Burial Ground Wesleyan Place of Worship and Trust Property at Hazel Grove in Bosden in the County of Chester. (*Bosden Wesleyan Trust Property Charity Scheme Confirmation.*)

P. clxxiv. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the following Charities:—(1) the Charity of the Congregational Chapel School and Trust Property in Grimshaw Street in the Borough of Preston in the County of Lancaster (2) the Charity consisting of the West End Congregational Chapel School and Trust Property in the Borough of Southport in the said county and (3) the Charity consisting of the Congregational Chapel School and Trust Property at Gatley in the Ancient Parish of Stockport in the County of Chester. (*Preston Southport and Gatley Chapels Scheme Confirmation.*)

P. clxxv. An Act to confirm a scheme of the Charity Commissioners for the application or management of the following Charities in the Borough of Bournemouth in the County of Southampton (1) the Charity called or known as the Royal Victoria Hospital (2) the Charity called or known as the Royal Boscombe and West Hants Hospital. (*Bournemouth Hospitals Scheme Confirmation.*)

P. clxxvi. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the following endowments in the Parish of Alfriston in the County of Sussex (1) the Chapel and Trust Property comprised in Indentures dated respectively ninth and tenth day of September one thousand eight hundred third and fourth day of April one thousand eight hundred and eleven and twenty-ninth and thirtieth day of July one thousand eight hundred and twenty-four and (2) the Minister's House comprised in an Indenture dated ninth day of October one thousand eight hundred and thirty-three. (*Alfriston Chapel Charity Scheme Confirmation.*)

PRIVATE ACTS.

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ROYAL ASSENT, 15th August 1913.

1. An Act to authorise the sale of certain pictures bequeathed by the will of the late most Honourable Jane St. Maur Blanche Dowager Marchioness Conyngham as heirlooms and to declare the trusts of the proceeds of such sale and for other purposes. (*Conyngham Heirlooms.*)

2. An Act to authorise the sale of personal chattels bequeathed by the will of the late Dame Elizabeth Ann Gomm as heirlooms and to declare the trusts of the proceeds of such sale and for other purposes. (*Gomm Heirlooms.*)

3. To confirm certain conveyances leases and other dispositions and dealings of or in relation to the estates in the counties of Dorset and Glamorgan of the Right Honourable Ivor Bertie Baron Wimborne and the Right Honourable Ivor Churchill Baron Ashby St. Ledgers. (*Lord Wimborne's Estate.*)

4. To authorise the sale of certain lands held by the Trustees of the late John Inglis Chalmers Esquire of Aldbar in the county of Forfar and the investment of the proceeds of sale and for other purposes. (*Aldbar Trust Estates.*)

PRIVATE ACTS.

NOT PRINTED.

ROYAL ASSENT, 4th July 1913.

An Act to dissolve the marriage of George Edwardes MacColl of Kirkliston Drive Bloomfield in the county city of Belfast in Ireland engineer with Mary MacColl his now wife and to enable him to marry again and for other purposes. (*MacColl's Divorce.*)

ROYAL ASSENT, 15th August 1913.

An Act to dissolve the marriage of Charlotte Carolin with Thomas John Carolin her now husband and to enable her to marry again and for other purposes. (*Carolin's Divorce.*)

An Act to dissolve the marriage of Emily Ernestine Dooner with William Dundas Dooner her present husband and to enable her to marry again and for other purposes. (*Dooner's Divorce.*)

An Act to dissolve the marriage of Violet McBride of 70 Seymour Place Bryanston Square in the county of London with William McBride her husband and to enable her to marry again and for other purposes. (*McBride's Divorce.*)

TABLE IIA.

A

TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS (including the PUBLIC ACTS of a Local Character) passed during the Session 3 & 4 GEORGE 5.—A.D. 1913.

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Slough Gas. c. xviii.

South Staffordshire Mond Gas (Power and Heating) Company's. c. xvi.

South Staffordshire Waterworks. c. xvii.

South Western Railway. c. lxxxviii.

Southampton Harbour. c. lxxxii.

Southend Waterworks. c. xc.

Southend-on-Sea Corporation. c. cv.

Southgate Urban District Council. c. lxxvii.

Southport Corporation. c. xciii.

Swanage Urban District Water. c. xxxii.

Swansea Harbour. c. vi.

Titchfield District Gas. c. lvii.
Tottenham and Edmonton Gas. c. xliv.
Trade Boards Provisional Orders Confirmation. c. clxii.
Tramways Orders Confirmation. c. cxxiii.
Tynemouth Gas. c. lv.

United District Gas. c. xl.

Water Orders Confirmation. See Gas and Water Orders Confirmation.
Watney Combe Reid & Co. Limited. c. lxxxiii.
Wemyss Tramways Order Confirmation. c. clviii.
West Bridgford Urban District Council. c. lviii.
West Bromwich Corporation. c. lxix.
West Hampshire Water. c. li.
Western Valleys (Monmouthshire) Railless Electric Traction. c. cxv.
Westgate and Birchington Gas and Electricity. c. cxxxix.
Westminster Hospital. c. cxiv.
Wibsey (Bradford) Independent Chapel Scheme Confirmation. c. clxvi.
Wimbledon and Sutton Railway. c. xxxvii.
Worthing Gas. c. lxxi.

York Corporation. c. xlv.

TABLE III.

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 3 & 4 GEO. 5.*

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 3 & 4 Geo. 5.
8 Anne c. 18 -	Landlord and Tenant - -	S. 1 amended - - -	34, s. 18 (2).
13 Geo. 3. c. 52 -	Plate Assay (Sheffield and Birmingham).	S. 14 rep. in part - - -	20, s. 27, Sch.
23 & 24 Geo. 3. c. 23 (*Irish Act*).	Assay of Gold, &c. - -	S. 28 rep. in part - - -	27, s. 20, Sch.
52 Geo. 3. c. 143 -	Land Tax Certificates, Forgery	Repealed - - - -	27, s. 20, Sch.
5 Geo. 4 :			
c. lii	Birmingham Assay - -	S. 22 rep. in part - - -	27, s. 20, Sch.
c. 113	Slave Trade - - - -	S. 10 rep. in part - - -	27, s. 20, Sch.
7 Geo. 4. c. 16 -	Chelsea and Kilmainham Hospitals.	S. 38 rep. in part - - -	27, s. 20, Sch.
10 Geo. 4 :			
c. 24	Government Annuities -	S. 41 rep. in part - - -	27, s. 20, Sch.
c. 50	Crown Lands - - -	S. 124 repealed - - -	27, s. 20, Sch.
2 & 3 Will. 4 :			
c. 16	Excise Permit - - -	S. 3 rep.; s. 4 rep. in part -	27, s. 20, Sch.
c. 53	Army Prize - - - -	S. 49 rep. in part - - -	27, s. 20, Sch.
c. 59	Government Annuities -	S. 19 rep. in part - - -	27, s. 20, Sch.
5 & 6 Will. 4. c. 24	Naval Enlistment - -	S. 3 rep. in part - - -	27, s. 20, Sch.
6 & 7 Will. 4. c. 56	Cessio (S.) - - - -	Repealed - - - -	20, s. 191, Sch. I.
1 & 2 Vict. c. 94	Public Record Office - -	S. 19 rep. in part - - -	27, s. 20, Sch.
2 & 3 Vict. c. 51	Pensions - - - - -	S. 9 repealed - - -	27, s. 20, Sch.
3 & 4 Vict. :			
c. 92	Non-Parochial Registers -	S. 8 rep. in part - - -	27, s. 20, Sch.
c. 111	Joint Stock Companies -	S. 2 rep. in part - - -	27, s. 20, Sch.
5 & 6 Vict. c. 35	Income Tax - - - -	S. 181 repealed - - -	27, s. 20, Sch.
7 & 8 Vict. :			
c. 19	Inferior Courts - - -	S. 5 rep. in part - - -	27, s. 20, Sch.
c. 22	Gold and Silver Wares - -	S. 2 rep. in part - - -	27, s. 20, Sch.

* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table.

Statute and Chapter.	Subject-matter or Short Title	How affected.	Chapter of 3 & 4 Geo. 5.
8 & 9 Vict. c. 113	Evidence	S. 4 rep. in part	27, s. 20, Sch.
11 & 12 Vict.: c. 78	Crown Cases	S. 6 repealed	27, s. 20, Sch.
c. 121	Liqueur	S. 18 rep. in part	27, s. 20, Sch.
14 & 15 Vict. c. 99	Evidence	S. 17 repealed	27, s. 20, Sch.
16 & 17 Vict.: c. 45	Government Annuities	S. 31 rep. in part	27, s. 20, Sch.
c. 107	Customs Consolidation	S. 116 repealed	27, s. 20, Sch.
17 & 18 Vict. c. 112	Literary and Scientific Institutions.	S. 26 rep. in part	27, s. 20, Sch.
19 & 20 Vict. c. 79	Bankruptcy (S.)	Repealed	20, s. 191, Sch. I.
20 & 21 Vict.: c. 19	Bankruptcy and Real Securities (S.).	Repealed	20, s. 191, Sch. I.
c. 60	Irish Bankrupt and Insolvent	S. 397 repealed	27, s. 20, Sch.
c. 71	Lunacy (S.)	Am.; ss. 47, 48, 52, 81 am.; s. 9 ext.; s. 114 rep.	38, ss. 61, 62 (1), 66, 68, 79, Sch.
c. 77	Court of Probate	S. 28 repealed	27, s. 20, Sch.
c. 79	Probates, &c. (I.)	S. 33 repealed	27, s. 20, Sch.
c. 81	Burials	S. 15 rep. in part	27, s. 20, Sch.
23 & 24 Vict. c. 33	Bankruptcy (S.) Amendment	Repealed	20, s. 191, Sch. I.
24 & 25 Vict. c. 98	Forgery	Ss. 1, 2, 4. 7–27, 29–33, 35, 38–41, 45, 46 rep.; ss. 28, 36, 37 rep. in part.	27, s. 20, Sch.
25 & 26 Vict.: c. 7	India Stocks Transfer	S. 14 repealed	27, s. 20, Sch.
c. 54	Lunacy (S.)	Ss. 7, 11 repealed	38, s. 79, Sch.
c. 67	Declaration of Title	S. 45 repealed	27, s. 20, Sch.
26 & 27 Vict.: c. 7	Manufactured Tobacco	S. 7 rep. in part	27, s. 20, Sch.
c. 73	India Stock Certificate	Ss. 13, 15 repealed	27, s. 20, Sch.
29 & 30 Vict.: c. 25	Exchequer Bills and Bonds	Ss. 15, 20, 21 rep.; ss. 25, 26 rep. in part.	27, s. 20, Sch.
c. 51	Lunacy (S.)	Am.; ss. 10, 15–17 am.; s. 14 rep.	38, ss. 57–60, 62 (2), 79, Sch.
31 & 32 Vict. c. 37	Documentary Evidence	S. 4 (2) repealed	27, s. 20, Sch.
32 & 33 Vict.: c. 49	Local Stamps	S. 8 (1–4) (6–8) rep.	27, s. 20, Sch.
c. 62	Debtors	Am.; ss. 11, 14, 16 am.	34, ss. 1–4, Sch. I.
c. 106	East India Loan	S. 13 repealed	27, s. 20, Sch.
33 & 34 Vict. c. 58	Forgery	Ss. 3, 5, 6 repealed	27, s. 20, Sch.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 3 & 4 Geo. 5.
34 & 35 Vict.:			
c. 22	Lunacy Regulation (I.)	S. 50 repealed	27, s. 20, Sch
c. 49	Matrimonial Causes, &c. (I.)	Ss. 15, 18 repealed	27, s. 20, Sch.
35 & 36 Vict.:			
c. 33	Ballot	Sch. I. (*par.* 9) am. in certain cases.	6, s. 1 (2).
		S. 3 rep. in part	27. s. 20, Sch.
c. 44	Court of Chancery Funds	S. 12 repealed	27, s. 20, Sch.
36 & 37 Vict. c. 32	East India Loan	S. 13 repealed	27, s. 20, Sch.
37 & 38 Vict.:			
c. 3	East India Loan	S. 13 repealed	27, s. 20, Sch.
c. 88	Births and Deaths Registration.	S. 40 rep. in part; s. 46 rep.	27, s. 20, Sch.
38 & 39 Vict.:			
c. 26	Bankruptcy (S.)	Repealed	20, s. 191, Sch. I.
c. 55	Public Health	S. 30 am.; s. 281 restricted	23, ss. 1, 2.
		Ss. 297, 298 applied with mods.	28, s. 29 (4).
c. 63	Sale of Food and Drugs	S. 27 rep. in part	27, s. 20, Sch.
39 & 40 Vict.:			
c. 36	Customs Consolidation	S. 28 repealed	27, s. 20, Sch.
c. 59	Appellate Jurisdiction	Ss. 6, 14 amended	21, s. 1.
c. 70	Sheriff Courts (S.)	S. 26 repealed	20, s. 191, Sch. I.
40 & 41 Vict.:			
c. 2	Treasury Bills	S. 6 restricted	1, s. 2 (2); 5, s. 2 (2); 35, s. 3 (2).
		S. 10 repealed	27, s. 20, Sch.
c. 51	East India Loan	S 15 repealed	27, s. 20 Sch.
41 & 42 Vict.:			
c. 31	Bills of Sale	Applied with mods.	34, s. 14 (1).
c. 68	Bishoprics	Applied with mods.	36, s. 1.
42 & 43 Vict.:			
c. 40	Conveyancing (S.)	Repealed	20, s. 191, Sch. I.
c. 49	Summary Jurisdiction	S. 29 extended	28, s. 44 (5).
c. 60	East India Loan	S. 14 repealed	27, s. 20, Sch.
43 Vict. c. 10	East India Loan (East Indian Railway Debentures).	S. 12 repealed	27, s. 20, Sch.
43 & 44 Vict.:			
c. 13	Births and Deaths Registration (I.)	S. 30 rep. in part; s. 36 rep.	27. s. 20, Sch.
c. 34	Debtors (S.)	Repealed, except s. 4	20, s. 191, Sch. I.
44 & 45 Vict.:			
c. 22	Bankruptcy and Cessio (S.)	Repealed	20. s. 191, Sch. I.
c. 58	Army	Ss. 31 (1) (4) (5) (7) (8), 108 A (1), 115 (2)–(4) (6)–(9), 116, 117, 119, 121 am.	2, ss. 4–7. Sch. II.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 3 & 4 Geo. 5.
45 & 46 Vict. :			
c. 50	Municipal Corporations -	S. 74 rep. in part; s. 235 rep.	27, s. 20, Sch.
c. 73	Ancient Monuments Protection.	Rep. except as to I. and except Sch. (*but see Terms*).	32, s. 24, Sch. II.
46 & 47 Vict. :			
c. 22	Sea Fisheries - - -	S. 17 (4) rep. in part - -	27, s. 20, Sch.
46 & 47 Vict. :			
c. 52	Bankruptcy - - -	Ss. 32-34 am. as to S. - -	20, ss. 183, 184.
		Am.; ss. 4 (1 *g*), 6, 22, 42 (1), 47, 48, 51, 59 (2), 125, 164, Sch. I. (*par.* 2) am.; ss. 21, 27, 73 ext.; ss. 6 (1 *d*), 31, 47 (2) rep.; s. 20 (1) rep. in part; s. 166 restricted.	34, ss. 1 (2), 5 (2), 8, 9, 13, 16–18 (1), 21, 27, Sch. II.
c. 55	Customs and Inland Revenue	S. 17 rep. in part - - -	27, s. 20, Sch.
47 & 48 Vict. c. 16	Bankruptcy, Frauds, &c. (S.)	Repealed - - - -	20, s. 191, Sch. I.
48 & 49 Vict. :			
c. 10	Elections (Hours of Polls) -	S. 1 am. in certain cases -	6, s. 1 (1).
c. 28	East India Loan - - -	S. 12 repealed - - -	27, s. 20, Sch.
c. 49	Submarine Telegraph - -	S. 8 (4) rep. in part - -	27, s. 20, Sch.
c. 69	Criminal Law Amendment -	S. 10 extended - - -	28, s. 56 (2).
c. 69	Criminal Law Amendment -	S. 10 extended - - -	38, s. 46 (2).
49 & 50 Vict. c. 25	Idiots - - - - -	Repealed - - - -	28, s. 67 (1).
50 & 51 Vict. :			
c. 57	Deeds of Arrangement - -	Extended - - - -	34, s. 37.
c. 66	Bankruptcy - - - -	S. 6 (2) extended - - -	34, s. 21 (1).
c. 69	Conveyancing (S.) - -	S. 2 repealed - - -	20, s. 191, Sch. I.
51 & 52 Vict. :			
c. 41	Local Government - -	S. 69 applied with mods. -	28, s. 33 (2).
c. 43	County Courts - - -	S. 160 amended - - -	34, s. 18 (2).
		S. 180 rep. in part - -	27, s. 20, Sch.
c. 62	Preferential Payments in Bankruptcy.	Rep. as to S. - - -	20, s. 118 (6).
52 Vict. c. 10 -	Commissioners of Oaths -	Ss. 8–10 repealed - -	27, s. 20, Sch.
52 & 53 Vict. :			
c. 39	Judicial Factors (S.) - -	S. 17 repealed - - -	20, s. 191, Sch. I.
c. 50	Local Government (S.) -	S. 9 extended with mods. -	38, s. 22 (8).
53 Vict. c. 5 -	Lunacy - - - -	S. 147 repealed - - -	27, s. 20, Sch.
		Ss. 50, 330, 332, Part IV. applied; ss. 150–161 rep.	28, ss. 63, 65.
53 & 54 Vict. :			
c. 37	Foreign Jurisdiction - -	Sch. I. amended - - -	16, s. 1, Sch.
c. 60	Local Taxation (Customs and Excise).	S. 1. amended - - -	19, s. 1, Sch.
c. 71	Bankruptcy - - - -	Am.; ss. 1, 3 (9), 8 (1) (2), 23, 25 (2 *b*) (3) am.	34, ss. 6–8, 16, 22, 27, Sch. II.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 3 & 4 Geo. 5.
54 & 55 Vict. :			
c. xx	Lancashire County (Lunatic Asylums).	Applied - - - -	28, s. 34.
c. 28	Branding of Herrings (Northumberland).	S. 2 restricted - - -	9, s. 4.
c. 38	Stamp Duties Management -	S. 13 rep. in part ; ss. 14, 15 rep.	27, s. 20, Sch.
56 & 57 Vict. :			
c. 39	Industrial and Provident Societies.	Am. ; ss. 13 (1), 25 (*but see Terms*), 26, 28, 62 rep. ; ss. 14, 27 (1), 29, 72 rep. in part.	31, ss. 1–12, Sch.
c. 53	Trustee - - - -	S. 25 amended - - -	34, s. 36.
c. 66	Rules Publication - -	Applied - - - -	17, s. 2.
c. 70	East India Loan - - -	S. 17 repealed - - -	27, s. 20, Sch.
58 & 59 Vict. :			
c. 19	Court of Sessions Consignments (S.).	Ss. 10, 11 rep. ; s. 16 rep. in part.	20, s. 191, Sch. I.
c. 44	Judicial Committee Amendment.	S. 1, Sch. am. and rep. in part	21, s. 3, Sch.
60 & 61 Vict. c. 38	Public Health (S.) - -	S. 15 extended - - -	26. s. 3 (5).
		S. 145 applied with mods. -	38, s. 68 (3).
61 & 62 Vict. :			14, s. 1 (2).
c. 5	Public Buildings Expenses -	S. 2 applied - - - -	27, s. 20, Sch.
c. 13	East India Loan - - -	S. 8 rep. in part - - -	28, s. 56 (6).
c. 36	Criminal Evidence - -	S. 4 applied ; Sch. virt. am. -	38, s. 46 (3).
62 & 63 Vict. c. 32	Elementary Education (Defective, &c., Children).	S. 1 applied with mods. -	28, s. 31 (2).
63 Vict. c. 2 -	War Loan - - - -	S. 4 (3) repealed - - -	27. s. 20, Sch.
63 & 64 Vict. :			
c. 31	I. of Man (Customs) - -	Ss. 1, 2 (*par.* 2) continued -	18, s. 1.
c. 34	Ancient Monuments Protection.	Rep. except as to I. (*but see Terms*).	32, s. 24, Sch. II.
1 Edw. 7. c. 25 -	East India Loan - - -	S. 7 rep. in part - - -	27, s. 20, Sch.
3 Edw. 7. c. 25 -	Licensing (S.) - - -	Am. ; ss. 5 (9), 16, 31 (2), 55, 78 (1), 79 (2) (4), 89 am.; s. 42 (3) am. prosp. ; s. 70 (1) ext.	34, ss. 6–13.
4 Edw. 7. c. 21 -	Capital Expenditure (Money)	Extended - - - -	24, s. 1 (4).
5 Edw. 7. c. 19 -	East India Loan (Railways)	S. 5 rep. in part - - -	27, s. 20, Sch.
6 Edw. 7. c. 18 -	I. of Man (Customs) - -	S. 1 continued - - -	18, s. 1.
7 Edw. 7 :			
c. 27 -	Advertisements Regulation -	Explained - - - -	32, s. 19.
c. 51 -	Sheriff Courts (S.) - -	Sch. I. (*Rule* 65) applied -	20, s. 88
8 Edw. 7 :			
c. 16	Finance - - - -	S. 9 amended - - -	14, s. 1 (1).
c. 48	Post Office - - - -	S. 20 (1) amended (*but see Terms*).	11, s. 1

Statute and Chapter	Subject-matter or Short Title.	How affected.	Chapter of 3 & 4 Geo. 5.
Edw. 7 :			
c. 51	Appellate Jurisdiction - -	S. 3 (2) repealed - - -	21, s. 3 (4), Sch.
c. 54	East India Loans - -	S. 6 rep. in part - - -	27, s. 20, Sch.
c. 62	Local Government - -	S. 15 extended with mod. -	26, s. 4.
c. 63	Education (S.) - - -	S. 6 extended - - -	12, s. 3.
c. 67	Children - - - - -	S. 20, Sch. I. extended - -	7, s. 1 (2).
c. 69	Companies (Consolidation) -	Am. (*but see Terms*); s. 121 am.	25, s. 1, Sch.
		S. 38 (1) rep. in part; s. 38 (2) rep.	27, s. 20, Sch.
		S. 268 (1) (vii.) rep. as to E. -	34, s. 24 (2).
9 Edw. 7. c. 48 -	Asylums Officers' Superannuation.	Applied with mods. - -	28, s. 45 (1); 38, s. 36.
10 Edw. 7. c. 5 -	East India Loans (Railways)	S. 4 rep. in part - - -	27, s. 20, Sch.
10 Edw. 7 and 1 Geo. 5 :			
c. 3	Ancient Monuments Protection.	Rep. except as to I. (*but see Terms*).	32, s. 24, Sch. II.
c. 8	Finance - - - -	S. 95 extended with mod. (*but see Terms*).	3, s. 2 (2).
	Licensing (Consolidation) -	S. 44 (1) repealed - - -	27, s. 20, Sch.
1 & 2 Geo. 5 :			
c. 26	Telephone transfer - -	S. 5 extended - - -	24, s. 1 (5).
c. 55	National Insurance - -	Parts I. and III. am.: ss. 1 (4), 4 (4*a*), 9 (3), 10 (6), 12 (2) (*prov.* i.), 45 (3), 49, Sch. IV. (Part I., Table C) rep.; ss. 8 (5), 18 (1) rep. in part.	37, ss. 1–43, Schs.

TABLE IV.

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(3 & 4 Geo. 5. 1913)

ARRANGED IN CLASSES.

Class I.—Bridges, Ferries, Roads, Subways and Tunnels.
- (1) Bridges.
- (2) Ferries.
- (3) Roads.
- (4) Subways and Tunnels.

" II.—Railways, Tramroads and Tramways.
- (1) Railways.
- (2) Tramroads and Tramways.
- (3) Light Railways.

" III.—Canals, Rivers and Navigations.

" IV.—Harbours, Docks, Ports, Piers and Quays.

" V.—Local Government (including Judicial Matters, Poor Law and Public Health).

" VI.—Lighting, Power and Heating.
- (1) Gas.
- (2) Electricity.

" VII.—Water Supply.

" VIII.—Drainages and Drainage Embankments.

" IX.—Inclosures, Open Spaces, &c.
- (1) Inclosures and Allotments.
- (2) Open Spaces, Commons and Parks.

" X.—Fisheries.

" XI.—Charitable and Educational, &c., Foundations and Institutions.

Class XII.—Ecclesiastical Affairs (including Tithes and Marriage Confirmation).

„ XIII.—Personal and Private (including Estates).

(1) Annuities and Grants of Money.
(2) Divorce.
(3) Estates.
(4) Names, Change of.
(5) Naturalization.
(6) Patents.
(7) Restoration of Dignities.
(8) Miscellaneous.

„ XIV.—Trading and other Companies.

(1) Banking and Investment.
(2) Cemetery.
(3) Insurance.
(4) Land and Building.
(5) Miscellaneous.

„ XV.—Crown.

„ XVI.—Provisional Orders Confirmation.

Note.—In this Table, words, printed in *italics*, following the Title, are added to explain the principal purposes of the Act; where none are added, and the Title itself conveys no explanation, the Act may be considered as one giving General Powers.

Class I.—Bridges, Ferries, Roads, Subways and Tunnels.

(1) *Bridges:*

Limerick Harbour (Bridge). c. cviii.
Reading Corporation (*Power to construct bridges over River Thames*). c. cvii.
York Corporation (*Power to free Skeldergate Bridge*). c. xlv.

(2) *Ferries:* Nil.

(3) *Roads:* Nil.

(4) *Subways and Tunnels:* Nil.

Class II.—Railways, Tramroads and Tramways.

(1) *Railways:*

Barry (*Additional lands. Extension of time. Special Constables*). c. xxxiv.
Cambrian. c. xii.
Central London. c. lxxiii.
City and South London. c. cx.
Dover Harbour (*Power to construct railways*). c. xci.
Great Eastern. c. lxxvi.
Great Northern. c. lx.
Great Western. c. lvi.
Hull and Barnsley. c. xlvii.

Class II.—Railways, Tramroads and Tramways—*continued.*

(1) *Railways*—continued.

Humber Commercial Railway and Dock (*Power to construct embankments in River Humber*). c. xx.
Isle of Wight Central (Godshill Transfer). c. xiii.
Lancashire and Yorkshire. c. lxvi.
London Electric. c. xcvii.
London and South Western. See South Western.
Metropolitan. c. liv.
Metropolitan District. c. xlviii.
Midland (Superannuation Fund). c. xxxviii.
North British. c. lxxxix.
North Eastern. c. lxiv.
Port Talbot Railway and Docks (*Additional capital*). c. xli.
Post Office (London) (*Power to Postmaster-General to construct underground railways*). c. cxvi.
South Western. c. lxxxviii.
Wimbledon and Sutton (*Extension of Time, land Powers*). *Additional capital. Directors*). c. xxxvii.

[*For Act confirming Provisional Order under Private Legislation Procedure* (*Scotland*) *Act*, 1899, *see* Class XVI. (9).]

(2) *Tramroads and Tramways:*

Bradford Corporation (*Railless Traction*). c. xcvi.
Brighton Corporation (*Transfer of powers of Omnibus Company as to railless traction, &c.*). c. xlvi.
Chesterfield Corporation Railless Traction. c. xxxv.
Derby Corporation (*Additional tramways, &c.*). c. xcii.
Dundee Corporation (Improvements and tramways). c. xi.
Huddersfield Corporation (*Additional tramways. Railless traction, &c.*). c. xcv.
Leicester Corporation (*Additional tramways, &c.*). c. lxxxvi.
London County Council (Tramways and Improvements). c. cii.
Metropolitan Electric Tramways (Railless Traction). c. ciii.
Mexborough and Swinton Tramways (Railless Traction). c. lxvii.
Morley Corporation (*Railless Traction*). c. cxii.
Nottingham Corporation (*Additional tramways. Railless Traction*). c. cxiii.
Rhondda Tramways (Railless Traction). c. lxi.
Southend-on-Sea Corporation (*Railless Traction*). c. cv.
Southport Corporation (*Railless Traction*). c. xciii.
West Bromwich Corporation (*Railless Traction*). c. lxix.
Western Valleys (Monmouthshire) Railless Electric Traction. (*Incorporation of Company*). c. cxv.

[*For Acts confirming Provisional Orders under Private Legislation Procedure* (*Scotland*) *Act*, 1899, *and Tramways Act*, 1870, *see* Class XVI. (9), (13).]

Class II.—Railways, Tramroads and Tramways—*continued.*

(3) *Light Railways:*

Cambrian Railways (*Further powers to Welshpool and Llanfair Light Railway Company. Transfer of undertaking of Vale of Rheidol (Light) Railway Company*). c. xii.

Colne Corporation (*Transfer of undertaking of Colne and Trawden Light Railways Company*). c. vii.

[*For Act confirming Provisional Order under Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (9).]

Class III.—Canals, Rivers and Navigations.

Manchester Ship Canal (*Further power to Corporation to lend. Additional borrowing power*). c. lix.

North British Railway (*Abandonment of portion of Union Canal*). c. lxxxix.

[*For Act confirming Provisional Order under Pilotage Act*, 1913, *see* Class XVI. (10).]

Class IV.—Harbours, Docks, Ports, Piers and Quays.

Broadstairs and St. Peter's Urban District Council (*Transfer of pier undertaking to Council, &c.*). c. lxiii.

Dover Habour (*Power to construct railways*). c. xci.

Great Western Railway (*Abandonment of Porthcawl Docks and transfer of site to District Council*). c. lvi.

Greenock Port and Harbours Consolidation. c. xlii.

Humber Commercial Railway and Dock (*Power to construct embankments in River Humber*). c. xx.

Ipswich Dock. c. cvi.

Leith Harbour and Docks. c. lxxxvii.

Limerick Harbour (Bridge). c. cviii.

North British Railway (*Additional borrowing power to Burntisland Harbour Commission*). c. lxxxix.

Port Talbot Railway and Docks (*Additional capital*). c. xli.

Southampton Harbour (*Dissolution and re-incorporation*). c. lxxxii.

Swansea Harbour (*Additional lands and borrowing power*). c. vi.

[*For Acts confirming Provisional Orders under General Pier and Harbour Act*, 1861, *see* Class XVI. (5).]

Class V.—Local Government (including Judicial Matters, Poor Law and Public Health).

Aberystwyth Corporation. c. cix.

Alexandra Park and Palace (*Powers as to holding exhibitions, letting portions, &c.*). c. cxi.

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3 & 4 GEORGE 5.—A.D. 1913.

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S.	„	„	Scotland exclusively.
I.	„	„	Ireland exclusively.
U.K.	„	„	Great Britain and Ireland (and Colonies, if it so extend).
Ind.	„	„	India specially.
C.	„	„	The Colonies specially, or any of them.

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